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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic reports of States parties

Ireland*

* The present document is being issued without formal editing. For the initial report submitted by the Government of Ireland see CEDAW/C/5/Add.47, which was considered by the Committee at its eighth session. For the combined second and third periodic report submitted by the Government of Ireland see CEDAW/C/IRL/2-3, which was considered by the Committee at its twenty-first session.

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FOREWORD

I am pleased to introduce Ireland's combined Fourth and Fifth periodic reports under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which were submitted to the UN on 10 June 2003.

Ireland acceded to the Convention on 22 December 1985 and submitted its first periodic report in February 1987 and its combined Second and Third periodic reports in March 1997. This document highlights the considerable progress made since then. Examples include the increase in the female labour force, which grew from 601,700 in 1997 to 771,300 in 2002 and the increase in the female participation rate from 41.4% in 1996 to 48.9% in 2002. I am also pleased to report that Ireland's reservation to Article 15.3 of the Convention was withdrawn in March 2000 and that, following a review of the remaining reservations, Ireland will shortly be in a position to withdraw the reservation to Article 13 (b) and (c).

My Department has instituted institutional, administrative and legal reforms to further gender equality and had overseen a number of important developments since Ireland's last report. Other Government Departments and bodies are also actively engaged in promoting equality, as is evident throughout this report. A particularly important milestone was the enactment of groundbreaking equality legislation in the form of the Employment Equality Act 1998 and the Equal Status Act 2000, which provided for the establishment of a new equality infrastructure.

However, while many of the recommendations of the report of the Second Commission on the Status of Women in January 1993 have now been implemented, the Government is conscious that much work still needs to be done to achieve full equality of opportunity for Irish women and men. To this end the Government decided to publish Ireland's Report to the United Nations on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action which was submitted to the United Nations last October. As part of the development of Ireland's Report to the United Nations on the National Plan for Women 2002, a wide ranging consultation process was undertaken. The outcome of the consultation process is documented in the Report *Towards a National Women's Strategy: Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women*. Both reports will serve to guide and influence Government policy into the future.

Arising from the Report to the United Nations on the National Plan for Women 2002, the Government made a commitment in the latest social partnership agreement, "Sustaining Progress", to develop a five-year National Women's Strategy. The Strategy will build on the progress made on foot of the implementation of the Report of the Second Commission on the Status of Women towards greater gender equality in Ireland in the coming years.

Michael Mc Dowell T.D.
Minister for Justice, Equality and Law Reform

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ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

1.1 Provisions exist both in the Irish Constitution and in legislation which give effect to this Article

Article 40.1 of the Constitution states that:

> *All citizens, as human persons, shall be held equal before the law. This shall not be held to mean that the State shall not in its enactment's have due regard to differences of capacity, physical and moral and of social function.*

1.2 A Constitution Review Group was established by the Government in April 1995, to review the Constitution and establish areas where constitutional change may be necessary. The Constitution can be amended only by referendum. Legislation which conflicts with the Constitution is invalid to the extent of such inconsistency.

1.3 In July 1996 the Government established the All-Party Oireachtas Committee on the Constitution, consisting of members drawn from the two Houses of Parliament, to review the Constitution in the light of the report of the Constitution Review Group and responses to it, and to make recommendations for change that it deemed necessary or desirable. So far, the Committee has published seven progress reports, mostly dealing with the Articles concerning the Institutions of State. The present Committee is addressing itself to the Articles dealing with fundamental rights, including equality.

1.4 The Review Group on the Constitution, which reported in 1996, recommended that Article 40.1 be amended on the following lines:

40.1.1. All persons shall be held equal before the law. This shall not be taken to mean that the State may not have due regard to relevant differences.

40.1.2. No persons shall be unfairly discriminated against, directly or indirectly, on any ground such as sex, age, disability, sexual orientation, colour, language, culture, religion, political or other opinion, national, social or ethnic origin, membership of the Travelling community, property, birth or other status.

1.5 In relation to the second sentence of the proposed Article 40.1.1 the Review Group considered that the existing reference to "in its enactments" is too limiting and that the State should not only be bound by the precept of equality, but should also be permitted to have regard, where appropriate, to relevant differences, even if this has not been expressly sanctioned by legislation.

1.6 The concept of discrimination has been defined in equality legislation, viz. the Employment Equality Act 1998, the Equal Status Act 2000 and in the Unfair Dismissals Acts, 1977 to 2001.

1.7 Employment Equality Act 1998

This Act outlaws discrimination in relation to employment on nine grounds, namely gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. For the purposes of the Act the gender ground is defined as being that one is a woman and the other is a man. The scope of the Act is comprehensive and covers discrimination in relation to access to employment, conditions of employment, equal pay for work of equal value, promotion, training and work experience. These kinds of discrimination are outlawed whether by an employer, an employment agency, a trade union, a professional body, a vocational training body or a newspaper advertising jobs in its careers and appointments pages. Investigation and remedies are provided for under the Act, allowing redress to be sought through the equality infrastructure, namely the Equality Authority and the Director of Equality Investigations - the Equality Tribunal. (See further commentary on equality infrastructure under Article 2.)

1.8 Equal Status Act 2000

This Act gives protection against discrimination in non-workplace areas and thus complements the Employment Equality Act 1998. The Act prohibits direct and indirect discrimination on the same nine grounds as the Employment Equality Act 1998.

The Act covers all goods and services which are available to the public, whether on payment or not and irrespective of whether provided by the public sector or private sector. "Services" are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and registered clubs. The provisions of the Act are subject to some exemptions.

1.9 Unfair Dismissals Acts, 1977 to 2001

The Unfair Dismissals Acts, 1977 to 2001 provide redress for employees who are unfairly dismissed from their employment. Among the grounds which the Acts stipulate that unfair dismissal is deemed to have taken place are:

- the pregnancy of the employee or matters connected therewith;
- the exercise by an employee of her rights under the Maternity Protection Act, 1994;
- sexual orientation;
- the exercise or contemplated exercise by an adopting parent of her right under the Adoptive Leave Act, 1995 to adoptive leave or additional adoptive leave;
- the exercise or proposed exercise by the employee of the right to parental leave or force majeure leave under and in accordance with the Parental Leave Act 1998;
- the exercise or proposed exercise by the employee of the right to carer's leave under and in accordance with the Carer's Leave Act 2001.

1.10 The combination of the Employment Equality Act 1998 and the Equal Status Act 2000 gives Ireland a comprehensive and modern anti-discrimination code. The Employment Equality Act 1998 will be further enhanced following the transposition into Irish law of the following EU Directives: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and Council Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. The

Equal Status Act 2000 will also be enhanced following the transposition of the Race Directive (2000/43/EC) in 2003.

1.11 The implementation of the **Human Rights Commission Act, 2000**, signed by the President on 31 May 2000, will benefit all sectors of Irish society, including women. The Act establishes an independent Human Rights Commission responsible for the promotion, protection and development of human rights in the State. The establishment of the Human Rights Commission gives effect to a commitment in the Good Friday Agreement.

The Human Rights Commission Act, 2001, increased the number of Human Rights Commissioners from 9 to 15 and amended the statutory provision for equal gender representation in the Human Rights Commission Act 2000, so that at least seven Commissioners must be women and seven must be men. The establishment of the Commission assumes even greater significance in the context of the Government's decision to bring forward legislation to give effect to the provisions of the European Convention on Human Rights into Irish law.

1.12 The **Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women** was adopted by the UN General Assembly on 6 October 1999. Ireland ratified the Optional Protocol on 7 September 2000. The Optional Protocol establishes an individual complaints procedure that gives women the right to complain to the UN Committee on the Elimination of Discrimination Against Women, a committee established under CEDAW, to consider progress made in the implementation of the Convention. It also establishes a general enquiry procedure that allows the Committee to conduct enquiries into serious and systematic abuses of women's rights.

ARTICLE 2

State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle.

As outlined in the Commentary on Article 1, the principle of equality between women and men is enshrined in Article 40.1 of the Irish Constitution.

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

2.1 At present, employment equality and equal status legislation in Ireland covers both the areas of employment and non-employment in relation to discrimination under nine grounds, namely gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community.

Commentary under Article 1 refers to employment equality legislation.

2.2 A new infrastructure has been put in place to underpin employment equality and equal status legislation. The infrastructure consists of two new bodies, the ***Equality Authority***, which replaced the Employment Equality Agency, and the Office of the Director of Equality Investigations - the Equality Tribunal, to provide a forum for redress of first instance. The remit of the Equality Authority and the ODEI - the Equality Tribunal was extended under the Equal Status Act 2000.

2.3 The **Equality Authority** is an independent statutory body set up to work towards the elimination of discrimination and prohibited conduct under equality legislation and to promote equality of opportunity in relation to the matters to which the equality legislation applies. The Authority's remit is defined in the Employment Equality and Equal Status Acts. It has a duty to provide information to the public in relation to equality legislation, to develop codes of practice and to keep equality legislation under review. The Authority may also request employers to carry out equality reviews and develop action plans. It can also carry such reviews, develop action plans and carry out enquiries.

With its specific focus on equality the actions and activities of the Equality Authority help to enhance the position of women within employment and in availing of services, accommodation and education.

2.4 **The Office of the Director of Equality Investigations - the Equality Tribunal**, a *de facto* equality tribunal, is an independent statutory body whose function is to adjudicate on and/or mediate complaints of unlawful discrimination under both employment equality and equal status legislation.

Complaints may be referred for mediation if the parties agree. Mediation settlements are binding and enforceable through the Circuit Court.

Complaints which are not resolved at mediation are investigated by an Equality Officer. Where unlawful discrimination is found to have occurred, redress will be awarded, including compensation and, where appropriate, the direction of a specific course of action. Decisions of Equality Officers are legally binding, unless appealed, and are enforceable through the Circuit Court.

Table 2.1 shows the impact of equality employment legislation and equal status legislation in tackling discrimination:

Table 2.1
Details of decisions issued on the ground of gender under the Employment Equality Act 1998, the Employment Equality Act 1977 and the Anti-Discrimination (Pay) Act 1974 in 2001

ODEI - the equality tribunal	
Total	27*
Successful	8
Unsuccessful	18
* In one case, the Equality Officer found that the respondent did not discriminate against the claimants on the grounds of gender, but that they were penalised for having referred complaints to the Labour Court	
Labour Court	
Appeals against recommendations of Equality Officers or seeking to have recommendations of Equality Officers implemented	12*
Successful	3
Unsuccessful	8
* In one case, the Labour Court had upheld a recommendation made by an Equality Officer which did not find in favour of the workers. The Labour Court determination was then appealed to the High Court. The High Court ordered a re-hearing of the case and the Labour Court issued a determination in favour of the workers	
Dismissal cases where gender was cited as a ground	6*
Successful	2
Unsuccessful	2
* One case was settled prior to the hearing and one was settled at the hearing	

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.

2.5 Legislation on equality applies equally to the public and private sector. The public sector has adopted additional positive action measures to complement the formal legislation on equality and the private sector is encouraged to do likewise.

2.6 The Civil Service, as an employer, is committed to equality of opportunity between women and men, irrespective of marital or family status. It is a policy of the Civil Service that the principles and practices of equal opportunity should apply to the recruitment, selection, placement, career development and all other conditions of service of civil servants.

2.7 Within the Civil Service, each Department has responsibility for implementing the Gender Equality Policy which was launched in September 2001. Personnel Units are designated with specific responsibility for monitoring the effectiveness of the policy in their own Departments. The Department of Finance monitors the overall implementation of the policy across the Civil Service.

2.8 The Civil Service, as an employer, is committed to the development and maintenance of an environment free of harassment, sexual harassment and bullying. The new Civil Service policy in

this area "A Positive Working Environment" was issued in 2000. The collection of data on cases taken under the new policy will commence in 2003. The policy explains the types of behaviour that constitute harassment, sexual harassment and bullying, the steps that can be taken by staff in making a complaint and the procedures that should be followed in investigating a complaint. The policy also outlines the provisions of the Employment Equality Act 1998 in relation to the statutory offences of harassment and sexual harassment. Over 200 staff across all Government Departments have been trained as investigators. The Department of Finance monitors the overall implementation of the policy.

2.9 Since 1977, the Government has had a 3% target for the employment in the public sector of people with a disability. The Department of Finance, in partnership with the Department of Justice, Equality and Law Reform and the Civil Service Commission, commissioned a study on the career progression of people with a disability in the Irish Civil Service. The research will be published in 2003. The research maps out the current arrangements in respect of career progression for people with disabilities, highlights the challenges they face when seeking to progress their careers and makes recommendations for a model of best practice in this area for the future. The Department of Finance is considering the recommendations and will be making proposals to improve the implementation of the policy and the achievement of the target. While the research did not raise any issues specific to female staff with a disability, the implementation of initiatives to support disabled staff in general would be expected to have a positive impact on female staff with a disability.

2.10 The National Framework Committee for the Development of Equal Opportunities at the level of the Enterprise was set up under the Programme for Prosperity and Fairness to promote equality. The Committee comprises representatives of employers, trade unions, relevant Government Departments and equality experts. It is chaired by the Equality Authority. The Committee seeks to assist employers and trade unions to respond to the challenges arising from the implementation of the Employment Equality Act 1998 and to promote equality in the workplace. Among the initiatives undertaken by the Committee are "Guidelines for Employment Equality Policies in Enterprises" and "Guidelines on Equality and Diversity Training at the level of Enterprise". The Guidelines on Equality Policies are available on the publications section of the Equality Authority website (www.equality.ie) and the Training Guidelines will be available on that website shortly.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

2.11 A number of facilitating measures are set out under other articles of the Convention. The following significant pieces of legislation have been enacted since Ireland's combined second and third report.

2.12 Pensions (Amendment) Act, 2002

This Act provides a legislative framework for improving the position of women with broken employment records due to childcare and other responsibilities through the introduction of personal retirement savings accounts.

2.13 Protection of Employees (Part-Time Work) Act, 2001

This Act implemented Directive 97/81/EC of 15 December 1997 and provides that a Part-Time Employee (as defined) cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment.

2.14 Maternity Protection (Extension of Periods of Leave) Order, 2001

In accordance with government commitments to review maternity protection legislation, a *Working Group on the Review and Improvement of Maternity Protection Legislation* was set up in 2000. The report of the Working Group was published on 28 February, 2001.

On foot of the recommendations of the Working Group, the Maternity Protection (Extension of Periods of Leave) Order, 2001 was signed into law on 8th February, 2001. This extended maternity leave entitlements to the current levels of 18 weeks (previously 14 weeks) (attracting payment) and 8 weeks (previously 4 weeks) (unpaid) respectively.

2.15 Adoptive Leave (Extension of Periods of Leave) Order, 2001

On foot of the review of the Maternity Protection legislation, the Adoptive Leave (Extension of Periods of Leave) Order, 2001 was signed into law on 8 February 2001. This extended adoptive leave entitlements to the 14 weeks (attracting payment) and 8 weeks (unpaid) respectively. The Government have also decided to apply, where appropriate, the recommendations outlined in the Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation to the adoptive leave legislation.

In addition to the above legislation the following legislative initiatives are currently in train.

2.16 Review and Improvement of Maternity Protection Legislation

The other recommendations of the *Working Group on the Review and Improvement of Maternity Protection Legislation* remain to be implemented. These will further enhance statutory entitlements in relation to maternity protection including provision of:

- either breastfeeding facilities/facilities to express breastmilk or reduction of working hours for breastfeeding mothers up to 4 months after the birth;
- paid time off work for expectant mothers to attend one complete set of ante-natal classes and a once off right for fathers to paid time off to attend the two ante-natal classes immediately prior to the birth;
- the period of additional (unpaid) maternity leave will count for all employment rights (except remuneration and superannuation benefits);
- provision for breastfeeding mothers who have given birth within the previous 4 months with an entitlement, without loss of pay, to either an adjustment of working hours or where breastfeeding facilities are provided by the employer, breastfeeding breaks.

Implementation of these recommendations will necessitate the drafting of primary legislation and subsequent regulations.

2.17 Family law bill

A family law bill is currently being prepared to enable married persons, who wish to separate by deed of separation to make agreements regarding pension rights without having to incur litigation expenses. While the proposal applies equally to women and men, it is expected to be of particular benefit to women.

(g) To repeal all national penal provisions which constitute discrimination against women.

2.18 There are no such provisions under Irish criminal law.

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

3.1 The commentary on Article 1 sets out the national legislation for the promotion of equality of opportunity between women and men. The commentary on Article 2 sets out the infrastructure put in place and specific legislative measures taken to enhance women's position in economic and social life.

3.2 The following specific initiatives intended to promote the rights of women are also important.

3.3 Report of the Second (national) Commission on the Status of Women (1993)

3.3.1 The Commission on the Status of Women made 211 recommendations comprising over 600 parts.

In accordance with a recommendation in the Report of the Second Commission on the Status of Women, a monitoring committee was set up to monitor the implementation of these recommendations.

Three monitoring reports were published - one in 1994, a second in 1996 and the third in 1999. These reports monitored the implementation of the recommendations, indicating where progress was made and where obstacles to implementation occurred. In view of the overlap between the issues dealt with by the Second Commission on the Status of Women and the Beijing Platform for Action the remit of the monitoring committee was expanded and the name of the committee was changed to the Gender Equality Monitoring Committee.

In 1999, on the advice of the Gender Equality Monitoring Committee, research was commissioned by the Department of Justice, Equality and Law Reform on the Development of Mechanisms to Monitor Progress in Achieving Gender Equality in Ireland. The terms of reference of the research included assessing the recommendations of the Second Commission on the Status of Women and making proposals regarding concrete steps towards implementation where recommendations could be implemented.

3.3.2 The research entitled *The Development of Mechanisms to Monitor Progress in Achieving Gender Equality in Ireland* by Dr. Yvonne Galligan was published in October 2001. The Research reviewed the recommendations of the Second Commission on the Status of Women and concluded that over three quarters of the 211 recommendations were implemented or were on the policy agenda by 1999-2000, that one-fifth were outstanding and that a small number were obsolete.

Furthermore, progress is ongoing in certain areas covered by the recommendations. For example, substantial progress is being made in relation to childcare including the allocation of very substantial funding, amounting to €436 million, inclusive of funding of €317 million under the National Development Plan, over the period 2000-2006 and further work remains to be done over the coming years.

Key recommendations in the Report included the development of a National Plan for Women as well as other mechanisms for advancing gender equality.

3.4 National Plan for Women 2002

The Report to the UN on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action is Ireland's response to the invitation to governments made in the Political Declaration by the United Nations General Assembly in New York in 2000 to develop and implement national action plans to work towards the advancement of women in all areas of society.

The Report to the UN on the National Plan for Women 2002, submitted to the UN in October 2002, is Ireland's programme to advance the situation of women across the twelve Critical Areas of Concern of the Beijing Platform for Action.

A draft Plan was published in October 2001 to inform and guide a consultation process which was launched at the same time. The task of overseeing the consultation process was led by a representative Steering Committee chaired by the Department of Justice, Equality and Law Reform.

The consultation process was hugely successful in giving the women of Ireland the opportunity to make their voices heard and for their views to be recorded. A wide array of issues were raised by women and their representative groups. These are reproduced in a separate document entitled "*Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy*" which gives a valuable and unique insight into the views and aspirations of the women of Ireland at the beginning of the new millennium. This will serve to guide and influence Government policy into the future.

Both Ireland's Report to the UN on the National Plan for Women 2002 and the report *Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy* are available on the website of the Department of Justice, Equality and Law Reform at www.justice.ie.

3.5 Gender mainstreaming

3.5.1 Under the regulations governing the EU Structural Funds for the period 2000-2006 Member States are required to use the Funds, inter alia, to promote equality of opportunity between women and men. This requires policy makers to take into account the gender impact of policy and programmes at the planning, design and implementation stages across the Structural Funds.

The National Development Plan, 2000 to 2006 (NDP) is a plan for the investment of €51 billion over seven years in Irish infrastructure, education, industry, natural resources, social inclusion and regional development. It is funded through the Irish Exchequer (93%) and the European Union Structural Funds (7%). The Plan is organised into six programmes - Economic and Social Infrastructure, Employment and Human Resources Development, Productive Sector, two regional development programmes, and finally a programme to promote peace and reconciliation in Northern Ireland and the Border Counties.

The NDP is designed to build on recent economic success of the country and to ensure that the foundations of continuing sustainable economic growth are strengthened. The plan is based first and foremost on the development needs of the country. A crucial challenge is the better distribution of the fruits of economic growth throughout society.

The NDP incorporates the principle of gender mainstreaming across the Plan. This represents a new development in national policy where the gender effects of policy proposals and programmes will be assessed prior to implementation in a broad range of policy areas including infrastructure, productive investment, human resources and regional policy. In addition there is a commitment to monitor and evaluate gender outcomes across the Plan.

3.5.2 Gender mainstreaming is a requirement for all programmes and measures funded through the NDP. Project selection and evaluations must include equal opportunities between women and men as a criterion; indicators to monitor progress must be broken down by gender where possible; and gender balance on monitoring committees overseeing progress. Gender impact assessment of most measures is also required.

The Plan provides for a number of structural supports to assist gender mainstreaming the Plan:

- the establishment of the NDP Gender Equality Unit within the Department of Justice, Equality and Law Reform to assist Government Departments and State Agencies to gender mainstream their policies and programmes;
- The identification of equal opportunities as an objective of human resources and regional policy;
- Acknowledgement of the impact of equal opportunities between women and men in spending on infrastructure and productive investment;
- Provision of project gender impact assessment across the whole Plan;
- Requirement that indicators will include sex differentiated outcomes "where the nature of the assistance permits";
- Commitment to ensure gender balance on monitoring committees;
- Establishment of an equal opportunities and social inclusion co-ordinating committee;
- Childcare investment of €317 million to help parents, particularly women, to balance their work and famiiy commitments;
- An equal opportunities measure focused on the needs of women returning to the labour market, tackling vertical and horizontal segregation, promoting family friendly working arrangements and women in decision making;

As the lead department with responsibility for equal opportunities between women and men the Department of Justice, Equality and Law Reform is involved in the implementation of the above commitments across the six operational programmes.

3.6 NDP Gender Equality Unit

3.6.1 The work of the NDP Gender Equality Unit includes the following:

- Providing advice, training and information on issues relating to gender mainstreaming in the NDP;
- Collecting and analysing data to support gender mainstreaming;
- Engaging in research to assess and support gender mainstreaming;
- Advising on the gender impact assessment of policy proposals drawn up under the NDP;
- Advising on and developing appropriate indicators (statistical or other data which measures progress towards a goal) to support gender mainstreaming in the NDP;
- Providing inputs to the Equal Opportunities and Social Inclusion Co-ordinating Committee which reviews how NDP commitments in the areas of equal opportunities and social inclusion are being met;
- Providing inputs to the Mid Term Review of the NDP;

- Supporting participation by community and voluntary groups in the gender mainstreaming process.

3.6.2 A key area of work for the NDP Gender Equality Unit is the development of gender disaggregated statistics and indicators. To this end the Unit has:

- Recruited a statistician, initially for a four year term, on secondment from the Central Statistics Office;
- Run briefing sessions on gender disaggregated and gender relevant statistics for each branch of the Central Statistics Office (these were attended by statisticians, senior statisticians and directors of the CSO);
- Produced two databanks of gender disaggregated statistics relevant to National Development Plan policy areas (these are accessible on the Unit's website, www.ndpgenderequality.ie);
- Commissioned the production of gender disaggregated statistics for a number of policy areas (transport, housing, business and enterprise);
- Contributed to the work of the interdepartmental Steering Group on Social and Equality Statistics, and the Report produced by the Group;
- Completed a report identifying the main gaps in knowledge on the role of women in agriculture, which includes a detailed analysis of current national data collection in this area and recommendations to improve this, and;
- Is currently compiling a booklet of statistics on Women and Men in Ireland, which will be published in 2003.

(see www.ndpgenderequality.ie for more information).

3.6.3 The National Statistics Board formally recognised that a comprehensive long-term strategy was needed to develop the social statistics required to support policy formulation and to monitor progress on achieving agreed social and equality outcomes in Ireland. To this end a Steering Group on Social and Equality Statistics was set up under the aegis of the Department of the Taoiseach (Prime Minister). As a first step, a study was undertaken to determine the scope of expected or likely requirements for social and equality statistics and the extent to which these are being met, or could be met, by existing statistical surveys and administrative records. This study found that 189 of the 207 identified data sources were wholly or partly disaggregated by gender, although only 119 of these sources provided gender disaggregated data in an immediately accessible format. However, significant data gaps were identified across a range of domains which will be addressed in the context of recommendations in a Report produced by the Steering Group entitled *Developing Irish Social and Equality Statistics to meet Policy Needs* which was published on 17 April 2003. The new partnership agreement, *Sustaining Progress*, contains a commitment to further this work to develop a framework for social and equality statistics. There is also a Government commitment to develop a formal Data/Statistics Strategy within each Government Department as an integral part of its information strategy.

3.7 The Department also has responsibility for a positive actions budget targeted at women and for implementation of a Childcare Sub-Programme over the period 2000-2006.

3.8 The **Equality for Women Measure** in the National Development Plan is a further Government commitment to improving equality between women and men. Under the measure an allocation of €35.5 million is being provided to finance measures to promote equality including retraining and up-skilling for women employees, promoting greater sharing of family responsibilities, support

for career development and entrepeneurship amongst women and the gender proofing of personnel practices in employment. (See also commentaries under Paragraphs 4.6, 7.3 and 11.7)

3.9 The **National Employment Action Plan 1999** also includes a commitment to a gender mainstreaming policy. The Department of Justice, Equality and Law Reform has a pivotal role in assisting Government departments to meet their obligations to promote equal opportunities under the EU Employment Guidelines.

Gender mainstreaming is well advanced in Ireland's aid programme and in education and health policy.

3.10 Poverty

The National Anti-Poverty Strategy was launched in April 1997. The Strategy sets out to reduce poverty and social exclusion both in general terms and in a number of key policy areas. In February, 2002, following a broad consultative process, the Government launched a revised Strategy entitled "Building an Inclusive Society".

The revised Strategy sets a key global target of reducing the numbers of those who are consistently poor below 2% and, if possible, eliminating "consistent poverty". It identifies key targets in the areas of income adequacy, employment and unemployment, education, health, housing and accommodation, urban poverty and rural disadvantage. The Strategy also provides an integrated focus for addressing the needs of specific groups who are considered to be particularly vulnerable to poverty including women, children, older people, Travellers, people with disabilities, and migrants and members of ethnic minority groups.

The implementation of the Strategy is supported by the social partners and is overseen by a Cabinet Committee on Social Inclusion, which is chaired by the Taoiseach. The Strategy is co-ordinated at administrative level by the Office for Social Inclusion, reporting to the Minister for Social and Family Affairs.

With specific regard to women, the overall objective of the Strategy is to eliminate consistent poverty for women and to improve access for women to appropriate health care, education and employment, thus reducing the risk of poverty to women and their families. Key targets under this objective are:

- Over the period to 2007, the Strategy will aim at reducing the number of women who are "consistently poor" below 2%, and, if possible, eliminating consistent poverty, under the current definition of "consistent poverty".
- The Strategy will aim at increasing the employment participation rate of women to an average of more than 60% in 2010, as envisaged in the National Employment Action Plan 2001.

Government Departments are currently required to "poverty proof" significant areas of policy. This can play a key role in addressing women's poverty. Lone parents, older people and single adult households are among the groups given particular attention in the poverty proofing process. The revised Strategy provides for the development of an enhanced poverty proofing process that is appropriately operationalised in all relevant Government Departments and that is more closely co-ordinated with gender and other proofing procedures.

The position in relation to particular groups of vulnerable women is as follows:

3.11 Lone Parents

The vast majority of lone parent families are headed by women. A greater proportion of lone mothers in Ireland are economically active in comparison to other mothers.

Socially and economically disadvantaged women, including lone parents, wishing to access training, education or employment opportunities will be directly supported through the Social Inclusion Local Development measure of the Regional Operational Programmes of the National Development Plan (2000-2006). The promotion of equality will be central to the local action plans, which will implement the measure. Gender-disaggregated data, targets and indicators to monitor the outcomes are being developed.

Supports for locally-based groups involved in anti-poverty and social inclusion work with and by women and lone parents in their own communities will continue to be maintained through a range of social and community oriented grant schemes and programmes.

A programme of measures is being developed to encourage and support lone parents to join the active labour force.

A lone parent activation programme was initiated by the Department of Social and Family Affairs in 2001. It entails engagement with Lone Parents on a proactive and, where possible, personalised basis. Much valuable experience has been gained in this area in the last year and is being used to address the main issues identified in relation to employment/training for lone parents, which are:

- finding and developing jobs/training and educational opportunities which mesh with the childcare commitments of lone parents;
- identifying accessible training venues which allow for proper childcare facilities;
- developing tailor-made programmes for lone parents to assist with the low skills base and low self-esteem issues which can arise from long-term welfare dependency;
- helping with the transport and other costs which may be associated with the take-up of training opportunities by lone parents on a tight budget. In this regard, a weekly allowance to help with "out of pocket expenses" associated with training was introduced in July 2001.

The means test associated with the One-Parent Family Payment (OFP) is one of the more flexible tests associated with welfare schemes. It incorporates a significant earnings disregard which is designed to recognise the particular difficulties which lone parents face in participating in training and employment.

The Back to Education Allowance was extended to people aged between 18 and 20, getting an unemployment or lone parent payment for at least six months and who have been out of the education system for two years (with effect from September, 2001).

Provisions were included in the Social Welfare Act, 2001 to allow OFP recipients to retain the first 50% of maintenance received through their own efforts (in addition to the existing €95 per week maintenance disregard in respect of vouched housing costs). The balance of maintenance received is treated as means and assessed accordingly. This has been implemented for all existing and new OFP clients.

Additional resources have been put in place to increase significantly maintenance recovery from absent spouses or parents through the "Liability to Maintain Family" provisions of the Social Welfare Acts. This will help to ensure that these liable relatives make their fair contribution to the social welfare income support being provided to their partners and children.

3.12 Traveller Women

3.12.1 Travellers, as a group, are particularly affected by poverty. Traveller women have a higher mortality rate, lower life expectancy and stillbirth and infant mortality rates almost three times that of the population of Ireland as a whole. This pattern of ill health is compounded by high rates of illiteracy, poor living conditions and heavy domestic responsibilities.

The provision of proper accommodation for the Travelling community in houses or serviced caravan sites, according to the wishes of the Travelling community themselves has been Government policy for over twenty years.

Under the National Anti Poverty Strategy the overall objective is to improve the life experience of Travellers through the provision of appropriate education, health and housing services and to remove any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country. Key targets are:

- The gap in life expectancy between the Traveller Community and the whole population will be reduced by at least 10 per cent by 2007;
- Age appropriate placement of all Travellers in primary school will be achieved by 2003;
- The transfer rate of Travellers to post-primary schools will be increased to 95% by 2004;
- Each third-level institution will double the participation by mature disadvantaged students, including Travellers and Refugees by 2006 (within the 15 per cent quota);
- All Travellers' families identified in the local authority five- year Traveller accommodation programme process as being in need of accommodation will be appropriately accommodated by end 2004.

3.12.2 In 1998 the Minister for Justice, Equality and Law Reform established a committee to monitor and co-ordinate the implementation of the recommendations of the task force on the Travelling Community published in July 1995. The Committee published its first progress report in 2000. The Report showed that over the five years prior to 2000 there had been a lack of adequate progress at local level and that approximately one quarter of all Travellers continue to live in difficult conditions. However the Monitoring Committee welcomed the many important developments which took place in the same period in establishing the administrative and legislative measures necessary to implement the Task Force recommendations. These measures included the establishment of a National Traveller Accommodation Consultative Committee and a Traveller Accommodation Unit in the Department of the Environment and Local Government; the enactment of the Housing (Traveller Accommodation) Act 1998 which includes a requirement for five-year local authority Traveller accommodation programmes; the establishment of an Advisory Committee on Traveller Education and the expansion of the visiting teacher service; the establishment of a Traveller Health Advisory Committee and local Traveller health units in each health board area; and the introduction of anti-discrimination legislation all of which will have positive and long-lasting effects on the Traveller community.

3.12.3 In the area of Health, a National Strategy for Traveller Health 2002 - 2005 has been drawn up and approved by the Government. New structures have been put in place as recommended by the Task Force on the Travelling Community by the establishment of a **Traveller Health Advisory Committee** in the Department of Health and Children and a Traveller Health Unit in each health board.

The Traveller Health Advisory Committee has identified the factors which adversely affect Traveller's health and the Strategy aims to act on the Committee's recommendations in addressing these difficulties. The involvement of Travellers themselves in the delivery of health

services is considered crucial in bridging the gap between the Traveller Community and the health services.

Specific actions are proposed in the Strategy which are targeted at women. These include ante and post natal health education programmes, promotion of maternity and infant care, greater access to and uptake of family planning and sexual health services and measures addressing violence against women.

The Governments strategy in relation to Travellers included the following:

- A 5 year National Strategy for Traveller Accommodation to be put in place by the Minister of State at the Department of the Environment and Local Government;
- The introduction of legislation to give effect to the National Traveller Accommodation Strategy including amendment of the Housing, Planning and Local Government Management Acts;
- The establishment of a special unit in the Department of the Environment and Local Government to monitor the National Traveller Accommodation Strategy, as well as a National Traveller Accommodation Consultative Group;
- A commitment to strengthen Health and Education services for Travellers;
- A commitment that the Task Force recommendations would be taken into account in preparing Employment Equality and Equal Status Legislation; and
- The transfer of responsibility for Senior Traveller Training Centres from the Department of Enterprise, Trade and Employment to the Department of Education and Science.

3.12.4 The overriding goal of training centres operated by FÁS (the national training authority) for Travellers is to help them to develop their full potential, to break the cycle of illiteracy and social deprivation in which they are trapped and to enable them to become, as soon as possible, self-reliant and self-supporting members of society. The training centres provide a combination of training in life skills and in basic manual skills together with a considerable input in the area of literacy and numeracy. The training lasts for forty-eight weeks.

3.12.5 In the **Employment Equality Act 1998** and the **Equal Status Act 2000** membership of the Traveller Community is among the prohibited grounds for discrimination under the legislation.

3.13 Women with Disabilities

In December 1999 a report was published outlining progress by all relevant Departments with regard to implementation of the recommendations of the Report of the Commission on the Status of People with Disabilities published in November 1996. A policy of mainstreaming service delivery was introduced in June, 2000 and requires that mainstream provision includes people with disabilities. A National Disability Authority (NDA) was also established in June, 2000 and its role involves working with service providers to maintain and implement good standards of services for people with disabilities. The NDA, in conjunction with the Department of Justice, Equality and Law Reform will monitor, guide and audit progress made by Government Departments and agencies. This includes the preparation of guidelines to assist public service providers to comply with access requirements.

The Commission on the Status of People with Disabilities made recommendations in relation to the involvement of women with disabilities in decision making. As part of the development of Ireland's Report to the United Nations on the National Plan for Women 2002 on the implementation of the Beijing Platform for Action a wide ranging consultation process was undertaken which included a focus on women with disabilities. The outcome of the consultation

process is documented in the Report "*Towards a National Women's Strategy: Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women*". The Government has directed that each Government Department note the contents of this Report when formulating and reviewing policy and legislation and in implementing programmes and measures.

Ireland is represented on a Council of Europe Committee with regard to the rehabilitation and integration of people with disabilities. Discrimination against women with disabilities will be one of the cross cutting issues which will be the focus of a ministerial conference being organised by the Committee to be attended by Ministers with responsibility for disability policy from up to 40 States. A working group is examining this issue and developing recommendations in this regard.

The Government is providing funding for an Equality for Women Measure (see also commentaries under Paragraphs 4.6, 7.3 and 11.7) which seeks to contribute to social inclusion through a particular focus on women experiencing multiple forms of discrimination. With this in mind, all projects funded under the Measure are asked to consider barriers that may prevent the participation of women experiencing multiple disadvantage, such as women with disabilities, and take any actions necessary to facilitate their inclusion. Consequently, valuable learning for policy should emerge from the full range of projects as they seek ways to enable the participation of women with disabilities.

3.14 Lesbian Women

In the **Employment Equality Act 1998** and the **Equal Status Act 2000** sexual orientation is now among the prohibited grounds for discrimination under the legislation. The **Unfair Dismissals (Amendment) Act, 1993** also specifically prohibits the dismissal of an employee on grounds of sexual orientation. Lesbian partners are in the same situation as unmarried heterosexual cohabitees in that their relationship does not have legal status.

In June 2000, the Equality Authority published a report on partnership rights for same sex couples, highlighting existing discriminations in Irish law as between married and same sex (and non married heterosexual) couples. In May 2002, the Authority published a further report on "Implementing Equality for Lesbians, Gays and Bisexuals" and the recommendations in this report are currently being followed up with Government departments, state bodies and the social partners, by the National Economic and Social Forum.

3.15 Equality in the Cultural Field

Funding for the contemporary arts is administered by the Arts Council, a body established by the Oireachtas (Parliament) to stimulate public interest in the arts, to promote the knowledge, appreciation and practice of the arts and to assist in improving standards.

The Arts Council is committed to the ideal of a society based on principles of equality and equal opportunity. It is a condition of the grant aid that organisations assisted by the Council agree to avoid any form of discriminatory practice.

The Arts Council published "The Arts Plan 2002-2006" to reflect Government's commitment to a planned approach to the development of the arts and culture in Ireland, based on extensive public consultation. The Council's long-term vision is for a creative Ireland where the arts are dynamic and self-reliant, valued and nourished by society and open for all to make or enjoy. This vision has formed the bedrock for each of the objectives set out in the plan for the next five years.

3.16 Refugee and migrant women

Migration to Ireland is a growing phenomenon. There are distinct groups of migrants:

1 Non-European Economic Area (EEA) nationals who come to Ireland to work, set up business or study. These are essentially expected to be self-sufficient and not to need income support or health care at State expense.

2 EEA nationals. The rights of EEA nationals to reside in Ireland under EU law are not absolute and may, subject to conditions, be abrogated in circumstances where such a person is not self sufficient. The rights of the non EEA national dependents of such persons are largely dependant on the rights of the EEA national.

3 Persons allowed to remain as the spouses of Irish nationals or as parents of Irish-born children. Effectively, these people have most of the rights to State services as Irish nationals.

4 Refugees. These enjoy similar rights to category 3.

5 Asylum seekers. These persons qualify for State supports except that they get Supplementary Welfare Allowance rather than Unemployment Assistance because they are not allowed to work.

3.17 The **National Consultative Committee on Racism and Interculturalism (NCCRI)** is a voluntary sector organisation that in 2002 formally established its status as a private company limited by guarantee. The NCCRI Ltd. seeks to promote meaningful dialogue between the statutory and the non-governmental sectors on issues related to racism. It sponsors a partnership approach to anti-racism and intercultural initiatives. It receives much of its core funding from the Government as a positive action measure. The overall role of the NCCRI Ltd. is as follows:

- To act as an expert body to develop an integrated and strategic approach to racism, and its prevention, and to foster intercultualism within Ireland;
- To inform policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism;
- To promote the understanding and celebration of cultural diversity within Ireland; and
- To establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and International levels.

3.18 In 2000, the Irish Government approved a **National Anti Racism Awareness Programme for the three year period 2001-2003**. The overall aim of the programme is to contribute to creating the conditions for building an inclusive society in Ireland where racism is effectively addressed and cultural diversity is valued. To date the Government has allocated €4.8m to the programme over the three year period.

The approach of the programme is based on partnership and seeking to develop actions and initiatives, in the area of media and communications, education, community and local development, political parties, and other areas such as the workplace, policing, sport and the role of religious organisations, that have the potential to have real and sustainable impact.

The core messages of the programme as developed by the High Level Steering Group include; racism is a denial of basic human rights; racism is against the law; Ireland is increasingly a multicultural society and that this is a strength; inward migration is not the cause of racism, and we all have a responsibility to tackle racism.

The programme was formally launched by the Taoiseach (Prime Minister) in October, 2001. To coincide with the launch, a dedicated web site was set up at www.knowracism.ie and information packs were produced for the information of the general public, the media and youth groups. A review of research was carried out to assess the nature and extent of racist attitudes among the Irish population. A continuous monitoring of awareness of the campaign and attitudes towards racism and minority groups has been undertaken to guide the implementation of the programme's advertising and activities.

3.19 Health services

All asylum seekers arriving into Ireland can avail of medical services for themselves and their families. Psychology services are also made available to support individuals and families who may be experiencing difficulties. While in emergency accommodation, asylum seekers have access to a GP to look after immediate medical care. Those who have been sexually assaulted are referred to a rape crisis centre. When they leave the emergency accommodation, medical needs are dealt with in the new area in which they live.

Free medical care is available for those who qualify on the basis of a means test. The main services available free of charge are:

- Free doctor visits
- Free prescriptions/medicines (with some exceptions) and free surgical appliances
- Free hospital outpatient and in-patient treatment as a public patient
- Free optical tests and glasses
- Free hearing tests and hearing aids
- Free maternity care.

Under a Government initiative introduced on 1 July 2001, all women and men aged 70 years or over are now automatically eligible for free medical care regardless of their means. More than 80,000 persons have benefited from this initiative to date.

ARTICLE 4

(1) ***Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered as discrimination defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.***

(2) ***Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discrimination.***

4.1 In Ireland, provisions authorising positive action to redress previous inequality are not considered to be in conflict with the general principle of equality between men and women. Thus, Section 24 of the Employment Equality Act 1998 allows for measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas of access to employment, vocational training and promotion, and working conditions.

In the field of employment a range of equal opportunities policies are implemented, particularly in the public sector. An equal opportunities policy is intended to complement rights in law through such means as tackling inequalities generated by past discrimination, overcoming structural barriers and promoting specific measures to enable the potential of all employees to be realised.

4.2 State Boards

4.2.1 Since the introduction of a Government policy of a representation of 40% of both genders on State boards in 1993 the overall percentage of women on State boards has risen from 15% in 1992 to 29% at December 2002. Government and ministerial appointments had increased from 17% to 34% in the same period. A number of pieces of recent legislation provide for gender balance on specific State boards. For example, the Employment Equality Act 1998 which provides for the establishment of the Equality Authority (to replace the Employment Equality Agency) provides that a least 5 of the 12 board members must be female and 5 male. The Government is committed to ensuring that a minimum of 40% of state board nominations are from each gender. Gender balance on State Boards is under constant review with a view to achieving this objective.

4.2.2 The Minister of State with special responsibility for Equality contacted all Government Ministers in July 2002 with a request to review the gender balance of the State Boards under the aegis of his of her Department and to take measures to redress the gender imbalances where the 40% target has not been reached. To ensure progress, the Minister of State intends bringing a six-monthly report to the Government on the gender composition of Boards for each Department broken down between (i) Boards newly appointed during that period and (ii) Boards already in existence. The first progress report covering the initial six months of the current Government's time in office is expected to be prepared and presented to Government in early 2003. In the event that progress is not made, further proposals will be considered.

4.3 Gender Equality in the Civil Service

4.3.1 The Strategic Management Initiative (SMI), the modernisation programme for the Irish Civil Service, makes clear that equality of opportunity is central to the development and implementation by Departments of effective human resource management policies.

The importance of an equality of opportunity policy has been recognised for many years. In the Civil Service this has been acknowledged by the 1986 Equality Policy and Guidelines and by the development of family friendly schemes, such as Worksharing, Term Time and career breaks, which have allowed staff to better balance work and family responsibilities.

4.3.2 While rates of pay are common to all staff in a grade, women are concentrated in the lower grades in the Civil Service. Approximately 11% of all staff avail of part-time working arrangements and women make up of the majority of these staff. As a consequence, women earn less than men in the course of their Civil Service careers. It is clear that these issues need to be addressed. Research on gender imbalance at Higher Executive Officer level and above, commissioned as part of the SMI process and published in 1999, showed that women were under-represented at senior management levels in the Civil Service and that progress towards a better balance of men and women in those grades had been minimal in the previous ten years. The report identified the under-representation of women in the Assistant Principal grade as a particular obstacle to the advancement of women to senior management levels within the Civil Service.

4.3.3 The main research findings, together with a package of measures based on the recommendations in the report, were endorsed by the Government. The main measures were the development of a new gender equality policy, a requirement for Departments to publish strategic objectives and equality goals, supported by a detailed programme of action in key human resource management areas and the strengthening of the central unit in the Department of Finance to support the implementation of the policy.

4.3.4 All the measures have been now been implemented. The Gender Equality Policy for the Civil Service was agreed in partnership with staff representatives, in accordance with the practice for all policies developed under the SMI. The new policy clearly designates responsibility and accountability for the achievement of the policy. Departments have published their equality objectives and goals. The expanded Civil Service Equality Unit in the Department of Finance is monitoring the implementation of the policy. Discussions held by the Unit with Departments during 2002 indicate that they are implementing the policy effectively and that they are addressing issues across a broad range of human resource management areas. The Unit is preparing a short report on the initiatives taken by Departments and suggesting other initiatives that could be considered.

4.3.5 A particular focus of the new policy is to address the serious under-representation of women at senior management levels. In order to give further impetus to this issue, the Government set a target of one third of the posts in the key Assistant Principal grade to be filled by women by June 2005. The aim of the target is to increase the number of women in the pool of potential candidates available for promotion to the more senior levels. Progress is also being made on this target. In the ten years up to 1997, the percentage of women in the grade increased by only 1%, to 24%. Following the implementation of the measures referred to above, the figure increased to 27% in June 2000 and to 35% in September 2002.

4.4 Local Authorities

An *Equality Action Programme* for the local authority service was adopted in 1998. The programme involves: adoption of an *Active Equality Policy* by all local authorities; a new

approach to competitions designed to achieve gender balance; and appointment of *Equality Officers and the establishment of an Equality Action Team* in each local authority. Arising from the introduction of the Employment Equality Act 1998, age limits have been abolished for posts in the local authority service. A special development programme is being established for women in middle management grades in the local authority service to ensure that a greater proportion of women are in a position to compete for senior posts.

In 1998 the first women were appointed as County Manager and Assistant County Manager. The position of women being appointed to senior management and senior professional/technical grades in the local authority sector is gradually improving. Recruitment of permanent employees to senior management and most professional non-management positions in local authorities is carried out by the Local Appointments Commission, which is committed to a policy of equal opportunities. All other recruitment is carried out by each local authority on an individual basis.

4.5 Health Service

The need for health agencies to observe equality principles in employment and personnel practices is an essential cornerstone of personnel policy for the health service. This commitment was underlined by the development of a model equal opportunity policy and action plan for the health service. Each agency has been asked to adopt an equality policy incorporating the principles set out in the model and to ensure that the programme is implemented. The need for agencies to put in place effective mechanisms for monitoring progress and evaluating the effectiveness of initiatives has been emphasised. In relation to the appointment of boards of bodies established by the Minister for Health and Children, the Minister may reject nominations if gender balance is not observed and will do so provided that s/he is satisfied that there is a qualified female candidate for the appointment. In 1997 the first female Chief Executive was appointed in a health board.

4.6 Equality for Women Measure

The Department of Justice, Equality and Law Reform has a budget of €35.5m under the Equality for Women Measure of the National Development Plan 2000-2006 to support equality for women projects. (This budget includes a sum of approximately €3m in EU funding.) An objective of the Measure is to support the development of gender mainstreaming strategies.

To date, the Measure is providing grants totalling €14.7m to support 70 projects nationwide under the following strands:

- Access to employment, education and training with an emphasis on retraining and upskilling of women employees.
- Encouraging career development among women.
- Encouraging entrepreneurship among women.
- Innovative projects for disadvantaged women and women over 50 years of age.
- Promote gender balance in decision making.

A broad range of organisations will benefit from this funding, including women's groups and other groups in the community and voluntary sector, employers, trade unions, the commercial sector, state organisations and political parties. Projects vary in length from one to three years. A second round of funding is planned for the period 2004-2006.

To date a total of 4,245 women have participated in training courses and other activities provided under the Measure. This figure includes a significant number of women who participated in short pre-employment training courses and who require further inputs from mainstream providers.

The Measure has funded the following research publications;

- "Getting out of the House - women returning to employment, education and training" a study to identify the needs and problems faced by women returning to the workforce.
- "Planning and Developing Women in Enterprise" - a desk based research project, published by Enterprise Ireland, focussing on innovative approaches and best practice in supporting women in enterprise.
- " Fathers and Mothers dilemmas of the work-life balance". A research project co-funded by the EU to examine people's experiences of family friendly policies in Ireland, France, Italy and Denmark with a view towards reconciliation of work and family values was produced in 2002.

A National Framework Committee for the development of family friendly policies at the level of the enterprise has been set up under the National Programme for Prosperity and Fairness. The Measure is supporting the work of this Committee (see Paragraph 11.24.4). In addition, the Measure is funding a grant scheme for organisations who wish to review the gender effects of their human resource policies.

The first annual report of the Measure covering the period 2000/2001 is now available. Copies may be downloaded from the Measure's website *www.ewm.ie*

4.7 ***(2) Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discrimination***

Commentary under Article 11.2(b) refers.

ARTICLE 5

State Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women;

(b) To ensure that family education includes proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women.

5.1 It is necessary to change attitudes and cultural conditioning to achieve de facto as well as de jure equality between women and men. Legislative and administrative change are important elements contributing to bringing about attitudinal change.

The concept of discrimination has been defined in equality legislation, viz. the Employment Equality Act 1998, the Equal Status Act 2000 and in the Unfair Dismissals Acts, 1977 to 2001. These are dealt with under Article 1. The enactment of the Equal Status Act facilitates the withdrawal of Ireland's reservation in relation to Article 13(b) and (c) and will encourage social and cultural change.

5.2 Advertising

The Broadcasting Commission of Ireland (BCI) is a statutory body established under the Radio and Television Act, 1988, to arrange for the licensing, monitoring and development of independent broadcasting services in Ireland. It monitors the presence of women in job types, including management and technical jobs. The BCI's Community Radio Policy, published in 1997, sets out the Commission's requirements in respect of gender balance in the ownership and management structures of community radio stations.

Statutory codes prepared under the Broadcasting Act, 1990 provide, inter alia, that television advertising shall not include any discrimination on grounds of sex. The Advertising Standards Authority for Ireland (ASAI) completed a review of its industry Code of Advertising Standards in 1995 and, in updating the Code, has given effect to the recommendations of the Second (National) Commission on the Status of Women regarding sexism, taste and decency in advertising. In the year July 1997 to July 1998, only four complaints received by the ASAI related to advertisements were found to be in breach of the Code.

5.3 Action to eliminate sexism and stereotyping

The Equality Authority has prepared a code of practice on sexual harassment and harassment at work - guidance on prevention and procedures for dealing with the problem -

which has been given statutory effect by the Minister for Justice, Equality and Law Reform. This is in accordance with its functions under Section 56 of the Employment Equality Act 1998, as amended by paragraph (g) of the Schedule to the Equal Status Act 2000. Further work is planned to develop a code of practice on sexual harassment and harassment in the provision of services.

5.4 Ireland's previous reports referred to the introduction of the Equal Opportunity Policy and Guidelines for the Civil Service. Developments since then have included the following:

- implementing the Civil Service anti-harassment, sexual harassment and bullying policy
- broadening the flexible working/work-life balance arrangements and encouraging Government Departments to make these arrangements available to staff in senior management grades
- implementing the Civil Service childcare initiative for the provision of 10-15 crèches for the children of civil servants, as part of a major initiative by the Government to improve childcare provision and increase the number of childcare places available in Ireland.

5.5 An Garda Síochána (the Irish Police Force) is committed to and supports equality of opportunity in employment regardless of gender. In line with Government policy, the Garda Commissioner will ensure that the principles and practices of equality of opportunity shall apply to the recruitment, placement, selection, career, development and all other conditions of service of members of An Garda Síochána.

The Garda Síochána policy on Bullying, Harassment, Sexual Harassment and Grievance Procedure has recently been updated, made available on the Garda Web Site and a hard copy circulated to each Garda Station. Inter alia, the policy establishes the role of the Equality Officer with responsibility for registering and monitoring grievances concerned with equal opportunities. Equality Advisors have been established in each Garda Division in consultation with the Staff Associations to provide support, information, assistance and counselling to any member subjected to harassment/sexual harassment and who may seek such advice.

5.6 To strengthen their commitment to equal opportunity policies for women, local authorities will:

- implement Workplace Reviews and Equality Audits with the aim of developing Equality Action Plans which include equality issues;
- implement Action Plans by Equality Officers and Equality Action Teams, in the 34 major local authorities;
- designate persons to provide advice, guidance and assistance on harassment/anti-bullying policies;
- publish data disaggregated by gender in Annual Reports;
- from 2001, apply new shortlisting guidelines in clerical officer recruitment which, inter alia, will facilitate the recruitment of women who retired from local authority work on marriage and now wish to return to the workforce;
- co-operate with the network of Equality Officers under the auspices of the Local Government Management Services Board which will continue to facilitate best practice and uniform development of an equality programme throughout the local authority system.
- The local authorities are represented on the Equal Opportunities Framework Committee which operates under the auspices of the Department of Justice, Equality and Law Reform and which was established under the Programme for Prosperity and Fairness.

5.7 Through initiatives to eliminate sex stereotyping in schools and through adult education, an attempt has been made to help break down traditional barriers to the realisation of equality both in the work place and in the home. Further details on these measures are given in the commentary under Article 10.

The National Council for Curriculum and Assessment has a special remit to ensure that sexism and sex stereotyping is eliminated from curricula in primary and second level schools and to work towards the implementation of gender equality in schools. The new programmes being introduced in the Senior Cycle in schools contain a large element of preparation for life, including the recognition of the equal responsibilities of men and women.

(b) To ensure that family education includes proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

5.8 A programme of Relationships and Sexuality Education has been introduced into all schools. The programme promotes knowledge of and respect for reproduction and enables students to value family life and appreciate the responsibilities of parenthood.

There are a number of programmes supported by the Health Promotion Unit of the Department of Health which address relationships and sexuality education in the context of a broad sexual health promotion. These programmes seek to promote responsibility in the area of sexual health.

ARTICLE 6

State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

6.1 ***The Criminal Law Amendment Act 1885***, as amended by Section 2 of the ***Criminal Law Act 1912*** makes it an offence to procure a girl or woman to become a prostitute inside or outside the State. Legislation is being prepared to update the law on trafficking in human beings which, when in operation, will allow for the ratification of, or compliance with, international instruments on the subject. The ***Child Trafficking and Pornography Act 1998*** makes it an offence, punishable by up to life imprisonment, for any person to organise or knowingly facilitate the entry into, transit through, or exit from the State of a child for the purpose of his/her sexual exploitation.

6.2 The ***Sexual Offences (Jurisdiction) Act 1996*** extends Irish criminal law to sexual acts involving children done abroad by Irish citizens or ordinary residents. It also makes it an offence to make travel arrangements for the purpose of enabling the commission of a sexual offence against a child abroad. In addition, it makes it an offence to publish information which is likely to promote the commission of sexual offences against children abroad.

6.3 Ireland has participated in a number of conferences organised by the EU on trafficking in women in response to concern within the EU at the growing number of women being "trafficked" to Europe for the purpose of prostitution.

6.4 Ireland is committed to the active promotion of full observance of universal human rights standards, and opposes and seeks the elimination of practices such as trafficking in women and forced prostitution. Ireland is opposed to all acts and practices which degrade or exploit women.

6.5 Through its participation at international fora such as the UN General Assembly, the UN Commission on Human Rights, the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE), Ireland has raised its concerns in tandem with like-minded countries regarding these issues.

The reality of trafficking as an affront to human dignity and as a threat to security and stability was recognised by Ireland and our EU partners in a statement to the Organisation for Security and Co-operation in Europe (OSCE), Human Dimension Implementation Meeting held in Warsaw from 9-19 September 2002.

6.6 The importance of addressing trafficking in persons has been recognised by Ireland and our EU partners. Article 5 of the EU Charter of Fundamental Rights, solemnly proclaimed by the European Parliament, European Council and the European Commission at Nice on 7 December 2000, provides that no one should be held in slavery or be required to perform forced or compulsory labour. It also prohibits trafficking in human beings.

6.7 Ireland, along with all other EU member States and the Commission on behalf of the European Community, has signed the UN Convention on Transnational Organised Crime and its two accompanying protocols on prevention, suppression and punishment of trafficking in persons, especially women and children and smuggling of migrants by land, air or sea. The protocol on trafficking not only provides for measures to suppress trafficking, but also for measures to protect the victims of trafficking.

An end to trafficking of persons is a priority.

6.8 Sex Offenders Act, 2001

This Act protects children and other vulnerable persons against sexual abuse or attack through the introduction of a notification system for convicted sex offenders. The Act also introduces separate legal representation in certain circumstances for complainants in rape and other serious sexual assault trials and significantly increases the penalty for sexual assault.

6.9 Illegal Immigrants (Trafficking) Act, 2000

This Act was enacted in September 2000. Section 2 of that Act creates the offence of trafficking in illegal immigrants. Such an offence is committed by a person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum.

Since September 2000, about fifty (50) persons suspected of committing a breach of section 2, Illegal Immigrants (Trafficking) Act, 2000, have been arrested. To date, three (3) people have been charged. One of those persons has subsequently been convicted while the other two cases are before the Courts.

6.10 Legislation will be prepared to give effect to the *Protocol to the U. N. Convention on Transnational Organised Crime,* the purpose of which is to prevent, suppress and punish trafficking in persons, in particular women and children. An E.U. Framework Decision covering similar issues was recently adopted and the proposed legislation will also take account of the final text of the Decision.

Statistics in relation to criminal charges under the Criminal Law (Sexual Offences) Act, 1993 are set out in table 6.1.

Table 6.1
Criminal Law (Sexual Offences) Act, 1993

YEAR ENDED 31 DECEMBER 1999		
	Offences in which proceedings were taken	**Persons convicted or against whom charge proved or order made without conviction**
Section 6	6	0
Section 7	357	179
Section 8	112	71
Section 10	3	0
Section 11	0	0
Other offences	29	1
Total	395	251
YEAR ENDED 31 DECEMBER 2000		
	Offences in which proceedings were taken	**Persons convicted or against whom charge proved or order made without conviction**
Section 6	55	34
Section 7	449	341
Section 8	474	235
Section 10	0	0
Section 11	1	0
Other offences	137	10
Total	1,116	620
YEAR ENDED 31 DECEMBER 2001		
	Offences in which proceedings were taken	**Persons convicted or against whom charge proved or order made without conviction**
Section 6	2	0
Section 7	102	54
Section 8	218	17
Section 10	206	98
Section 11	2	4
Other offences	69	45
Total	599	218

Section 6: Soliciting or importuning for purposes of commission of a sexual offence.
Section 7: Soliciting or importuning for purposes of prostitution.
Section 8: Loitering for purposes of prostitution.
Section 10: Living on earnings of prostitution.
Section 11: Brothel keeping.

Data for 2002 has now been recorded on the recently introduced crime recording system, PULSE, which records gender details on offender records.

ARTICLE 7

State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) to participate in the formulation of Government policy and the implementation thereof and to hold public office and perform all public duties at all levels of Government;

(c) to participate in non-governmental organisations and associations concerned with the public and political life of the country.

7.1 The Irish Constitution provides equal rights for men and women to participate in the political and public life of the nation.

The election of Ireland's first woman President in 1990 followed by a second woman President in 1997 were milestones in achieving women's full integration into political and public life.

The representation of women in the Dáil currently stands at 13.25% following the last general election in May, 2002. Women represented 23.08% of national candidates in the EU Parliament election in June 1994 and 26.67% of successful candidates. In 1999, 19.05% of the total candidates were women and 33.3% of these were successful candidates.

The present Government includes two women as full Cabinet Ministers (Minister for Social and Family Affairs and Minister for Enterprise, Trade and Employment, who is also the Deputy Prime Minister) out of a total of fifteen and two women as Junior Ministers, out of seventeen.

7.2 Positive Action measures for political parties
The following commentary was provided by the political parties named.

7.2.1 ***Fianna Fáil***, is a national movement with a democratic Republican ethos and is the largest political organisation in Ireland. It represents the mainstream of Irish life and traditions and seeks to include all sections of the State. The Fianna Fáil National Women's and Equality Forum represents all of the women in Fianna Fáil with a Women's and Equality representative in each constituency. Fianna Fáil has appointed an Equality Officer under the Equality for Women Measure programme of the National Development Plan. An action plan has been developed to increase the number of women candidates for the Local Government elections in 2004 with specific training to support the candidates.

7.2.2 The leader of the ***Progressive Democrats*** is the country's first female party leader and also the first female Tanaiste (Deputy Prime Minister). From its inception the Progressive Democrats have encouraged full participation and inclusion by women in political life. Fifty per cent of the parliamentary party are women and female representation at local council level is eight - out of a total of 27.

7.2.3 ***Fine Gael*** has a comprehensive action programme to encourage increased participation by women in politics and increased representation by women. Fine Gael has a Front Bench member

with specific responsibility for the gender proofing of all party policy and for the promotion of women within the Party. Fine Gael favours targets rather than quotas for women candidates. Specialist resources including training and monitoring have been targeted at women candidates and, in particular, at new women candidates.

7.2.4 ***The Labour Party*** has a gender quota system which applies to both candidates and its ruling body, the NEC. At committee levels, there must be at least 30% representation of either gender. The Party funds the Labour Women Section of the party of which all women are automatically members and other members can opt in if they so wish. The Labour Women section of the party promotes the interests of women inside the party and within the wider community, recently being most active in the abortion referendum in 2002 and the General Election, for which it produced a specific leaflet aimed at women voters. The Labour Party has one of the highest gender balances in both houses of the Oireachtas and aims to develop this. Plans for 2003 include a spring conference aimed at promoting women candidates in the 2004 local and European elections.

7.2.5 ***The Green Party*** has a gender balance policy for all committees and party bodies. There is the option of a crèche at all party meetings and conventions to enable parents to participate fully in the work of the party. The party supports the idea of revised sitting hours for the Dáil and Seanad and the provision of crèche facilities for these bodies.

7.2.6 ***Sinn Féin*** is the only nationally organised political party in Ireland. Building on an ethos and vision of creating an Ireland of Equals, Sinn Féin is fully committed to building a party of equals. A strategic and affirmative action programme is in place to support the greater participation of women within the policy making system in the decision making structures. This involves mainstreaming at national, regional and county based level. A programme to enhance increased representation at publicly elected levels has developed to increase representation in the forthcoming Assembly, EU and local government elections. Organisationally at senior levels the party has an improved gender balance with 40% female representation on the national officer board, over 30% at Ard Chomhairle (National Executive) level and occupying a majority of Directors roles at Departmental levels. The Party also has an Equality Officer.

7.3 Under the **Equality for Women Measure** of the National Development Plan funding has been provided to three political parties (Fianna Fáil, Fine Gael and Sinn Féin) to undertake projects with a view to undertaking action to increase the number of women holding decision making roles within these parties, and to increase the number of female electoral candidates and representatives.

7.3.1 The overall aim of the Fianna Fáil project is to increase substantially the level of activity by women in all levels of the organisation, and in particular to increase the numbers of women putting themselves forward as candidates for public office. The initial phase of the project is to conduct an Equality Audit of the organisation to ascertain the level of participation by women and also to identify the barriers that prevent greater participation. The project was awarded a grant of approximately €133,000 over a three-year period.

7.3.2 The Fine Gael project aims to provide regional training to women members to enable them to participate more effectively in public life. Information on the project was distributed to over 5,000 members who attended the Fine Gael annual conference in 2002. A gender focus seminar to consider the barriers facing women was held in eight regional centres. It is proposed to select a group of 50 women to participate in a training programme which will focus on skills required to progress to senior levels within the organisation. This project was awarded a grant of approximately €95,000 over a three-year period.

7.3.3 Sinn Féin submitted a proposal to identify barriers to women's participation in decision making at all levels in the party and to provide training designed to address these barriers. The project has only recently completed a gender audit and is currently conducing research to determine further training needs. This project was awarded a grant of approximately €25,000 over a three-year period.

Table 7.1 shows the number of female candidates and number successful in General Elections since 1997.

Table 7.1
Women Candidates and Seats Won by Women in Dáil Elections 1997 - 2002

Year	Total No. of Candidates	Women Candidates	Number of Seats	Women Elected	Women Deputies as a % of Total
1997	484	97	166	20	12.05
2002	463	84*	166	22	13.25

*** One non-party candidate stood in two constituencies**
Source: Department of the Environment, General Election Results

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

7.4 Irish women and men are on equal terms regarding the right to vote at all national and local elections and referenda. Similarly, there is no discrimination in relation to the right to stand for such elections or to serve on the relevant public bodies.

Voting in Ireland is by secret ballot and is not compulsory. In the 2002 General Election for the Dáil (House of Representatives) 62.57% of the electorate cast their vote.

The following tables give an indication of the range and level of participation of women in some sectors of public life.

Table 7.2
Representation of Women on the National Executives of the main Political Parties, 2002

	Women as % of Total Membership	% Representation of women on National Executive
Fianna Fáil	40	17.9
Progressive Democrats	46	25
Labour	40	28
Fine Gael	30	30
Sinn Féin	18	33

Source: Political Parties

Table 7.3
Elected Members of Local Authorities, 2001

Authorities	Number of Authorities	Members	Number of Women	Women as % of total
County Councils	29	753	112	14.87
County Borough Councils	5	130	20	15.38
Borough Corporations	5	60	10	16.67
Urban District Councils	49	450	74	16.44
Town Commissioners	26	234	49	20.94
Totals	**114**	**1,627**	**265**	**16.29**

Source: Department of the Environment and Local Government

Table 7.4
Number of Women elected and nominated to Seanad Éireann 1997- 2002

Year	Taoiseach's Nominees	Panels	Universities	Total Women Members	Women as a % of Total Members
	Number of Seats				
	11	43	6		
1997	3	7	1	11	18.33
2002	2	7	1	10	16.67

Source: Department of the Environment and Local Government

Table 7.5
Membership of Oireachtas Committees, 2002

Committee	Male	Female	Female % of Total
Joint Committee on Transport	14	1	6.7
Joint Committee on Social and Family Affairs	14	1	6.7
Joint Committee on European Affairs	14	3	17.6
Joint Committee on Foreign Affairs	15	2	11.8
Joint Committee on Justice, Equality, Defence and Women's Rights	12	3	20.0
Joint Committee on House Services	16	2	11.1
Joint Committee on Standing Orders	5	1	16.7
Select Committee on Social and Family Affairs	14	1	6.7
Select Committee on Finance and the Public Service	13	2	13.3
Select Committee on Enterprise and Small Business	14	1	6.7
Select Committee on Members Interests of Seanad Éireann	5	1	16.7
Select Committee on Members' Interests of Dáil Éireann	5	0	0
Standing Joint Committee on Consolidation Bills	6	0	0
Committee of Public Accounts	12	0	0
Seanad Committee on Procedure and Privileges	12	2	14.29
Seanad Committee of Selection	8	3	27.3
Dáil Committee on Procedure and Privileges	18	2	10
Joint Committee on Broadcasting and Parliamentary Information	6	2	25
Joint Committee on Health and Children	10	5	33.3
Joint Committee on Environment and Local Government	15	0	0
Joint Committee on Communications, Marine & Natural Resources	14	1	6.7
Joint Committee on Education & Science	11	4	26.7
Joint Committee on Agriculture & Food	14	1	6.7
Joint Committee on Arts, Sport, Tourism, Community Rural and Gaeltacht Affairs	15	2	11.8
All-Party Committee on the Constitution	11	3	21.4

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

7.5 Participation in government policy formulation and implementation

Women remain under-represented in all areas of political life, public office and in the higher echelons of the public and civil service in comparison to men. However, women's interests and special concerns are observed in the formulation of mainstream Government policy.

One example of note is that, as an outcome of the National Plan for Women, the Government decided in July 2002 that the Department of Justice, Equality and Law Reform consider, in

consultation with other relevant Departments, the development of a National Women's Strategy. The National Women's Strategy would be an important mechanism for achieving greater gender equality and for advancing the position of women in Ireland over the next seven years. The Report to the United Nations on the National Plan for Women 2002 on the implementation of the Beijing Platform for Action and the views of women as articulated during the course of the consultation process on that Plan as published in the Report entitled *Aspirations of Women collected in the course of the consultation process on the National Plan for Women 2002: Towards a National Women's Strategy* will be important reference points for the development of the Strategy.

7.6 Women in Public Office

The number of women who have taken up positions as public representatives at national and local level together with the level of female participation are indicated in the Tables on the previous pages.

Women in the Public Service

7.7 The Civil Service

Recruitment to the Civil Service is by open public competition administered by an independent State Commission.

Table 7.6 sets out the gender competition of the main general service grades in the Civil Service during the period 1995-2001. Tables 7.7 and 7.8 show, respectively, the proportion of women in general service management grades and the proportion of women in professional, technical and departmental management grades in the Civil Service as at 31 December 2001.

The Civil Service is committed to a policy of equality of opportunity for all its staff. To this end, every effort is and has been made to ensure that there are no barriers, hidden or otherwise, preventing women from progressing to the highest positions. The Commentary under Article 5 sets out a number of positive action measures which have been adopted.

Table 7.6
Gender Composition of General Service Grades 1995-2001

Grade	1995		2001		
	Female %	Male %	Female %	Male %	Total Number in Grade
Secretary General	4	96	17	83	23
Assistant/Deputy Secretary	5	95	10	90	132
Principal/Counsellor	12	88	25	75	433
Assistant Principal/First Secretary/ Insp. of Taxes Higher Grade	24	76	30	70	1,956
Higher Executive Officer	38	62	42	58	2,911
Administrative Officer/Third Secretary/Inspector of Taxes	27	73	50	50	771
Executive Officer/Higher Tax Officer	53	47	61	39	5,035
Staff Officer	76	24	81	19	1,399
Clerical Officer/Tax Officer Equivalent Grades	79	21	78	22	12,185
Clerical Assistant	81	19			
Paperkeeer	8	92			
Services Officer	6	94	12	88	612
Services Attendant	8	92	12	88	78
Cleaner	88	12	90	10	199
TOTAL			**64**	**36**	**25,734**

Note: the grades of Clerical Assistant and Paperkeeper were assimilated into the Clerical Officer grade in 1997.

Table 7.7
Gender Composition of General Service Management Grades in the Civil Service at 31 December 2001

Level	Women %	Men %	Number of people serving on 31/12/01
Secretary General	17.4	82.6	23
Assistant Secretary	9.9	90.1	132
Principal/Counsellor	24.7	75.3	433
Assistant Principal/First Secretary/Inspector of Taxes Higher Grade	30.2	69.8	1,956.0
Higher Executive Officer	42.5	57.5	2,911
Administrative Officer/Third Secretary/Inspector of Taxes	49.6	50.4	771

Table 7.8
Proportion of Women in Professional, Technical and Departmental Management Grades in the Civil Service at 31 December 2001

Level	Women %	Men %	Number of people serving on 31/12/01
Secretary	0	100	10
Assistant Secretary	32.3	67.7	99
Principal	15.5	84.5	799
Assistant Principal	31.2	68.8	1,084
Higher Executive Officer Administrative Officer	38.4	61.6	989

Note: The above table shows grades (solicitor, architect, Inspector of Taxes etc.) which are a similar level to, but not included, in the general service grades in Tables 7.6 and 7.7

The table below shows the percentage of management posts held by women at 31 December 2002 in the local authorities.

Table 7.9
Percentage of Management Posts held by Women at 31 December 2001
Managerial, Administrative and Clerical

	31 December 2001	
	Male %	**Female %**
City & County Manager	94.3	5.7
Director of Services/Head of Function	93.4	6.6
Principal Officer	90.5	9.5
Management/Financial Accountant	30	70
Head of Information Systems	92.3	7.7
Finance Officer	87.5	12.5
Administrative Officer (Grade VII)	57.5	42.5
Senior Staff Officer (Grade VI)	43	57
Arts Officer	31.3	68.7
Town Clerk	72	28

Professional, Technical and Others

	31 December 2001	
	Male %	**Female %**
City Architect	66.7	33.3
County Architect	80	20
Chief Fire Officer	96.2	3.8
Other Deputy County Engineer Level	90.3	9.7
Senior Engineer	97.2	2.8
Senior Planner	91.3	8.7
Senior Architect	83.3	16.7
Senior Executive Technician	91.4	8.6
Other Senior Executive Engineer Level	89.6	10.4
Senior Executive Engineer (incl. Structural)	93.4	6.6
Senior Executive Planner	59	41
Senior Executive Architect	72.5	27.5
Assistant Fire Prevention Officer (Dublin & Cork only)	66.7	33.3
Assistant Chief Fire Officer (Operational)	100	0
Assistant Chief Fire Officer (Prevention)	86.7	13.3

The following two tables show representation of women in the Health Boards in 2001

Table 7.10
Male/Female Employment Profile of Administration Staff in Health Boards

Grade Category	**Male %**	**Female %**
Senior Management/Admin	58.67	41.33
Executive and Administration	23.79	76.21
Professional (Including Health and Social Care Professionals, Medical & Dental & Nursing)	17.44	82.56
Clerical	6.99	93.01
Total	**17.89**	**83.04**

Source: Department of Health and Children

Table 7.11
Male/Female Employment Profile of Medical and Dental Staff in Health Boards

Grade Category	Male	Female
Medical	**%**	**%**
Consultant	76.59	23.41
House Officer	59.50	40.50
Intern	46.38	53.62
Registrar	68.16	31.84
Registrar - Senior	52.56	47.44
TOTAL	**66.69**	**33.31**
General Practice		
1. General Practitioner (Including Direct Employees of the Public Health Board only)	68.16	31.82
TOTAL	**68.16**	**31.82**
Public Health		
Director of Community Care	16.67	83.33
Area Medical Officer	14.40	85.60
Area Medical Officer - Senior	18.37	81.63
TOTAL	**15.10**	**84.90**
Dental		
Supervisory Grades	51.46	48.54
Basic Grades	35.34	64.66
TOTAL	**38.89**	**61.11**

Source: Department of Health and Children

7.8 Equal Opportunity in Health Boards and Local Authorities

Under the terms of the Statement of Equal Opportunity issued to local authorities and health boards in February 1990, following negotiations involving local authority and health board management and unions and the Departments of Environment and Health, staff are entitled to avail of the existing national schemes of career breaks and job-sharing. This Statement also commits local authorities and health boards to treat and develop all their employees equally and covers matters such as recruitment, selection, training and development and dealing with harassment. (See also Paragraphs 4.4 and 4.5 under Article 4)

7.9 State boards

Commentary in Paragraph 4.2 under Article 4 refers.

Table 7.12 sets out the membership of State boards at 31 December, 2002.

Table 7.12
Composition of State Boards as at 31 December 2002

Department	Total Serving Membership	Women	% of Total	Serving Ministerial/ Governmental Nominees	Women	% of Total	Chair		% of Total
							Male	Female	
Agriculture and Food	57	8	14%	38	8	21%	4	1	20%
Arts, Sport and Tourism	150	47	31%	98	37	38%	10	2	17%
Communications, Marine & Natural Resources	631	86	14%	338	73	22%	55	3	5%
Community, Rural & Gaeltacht Affairs	107	26	24%	70	23	33%	6	1	14%
Defence	73	18	25%	47	10	21%	4	0	0%
Education and Science	825	278	34%	137	49	36%	27	6	18%
Enterprise, Trade and Employment	734	186	25%	104	39	38%	39	9	19%
Environment & Local Government	216	84	39%	132	57	43%	15	2	12%
Finance	43	6	14%	39	5	13%	1	0	0%
Foreign Affairs	20	7	35%	20	7	35%	2	0	0%
Health and Children	766	263	34%	325	139	43%	39	6	13%
Justice, Equality and Law Reform	285	102	36%	272	99	36%	7	4	36%
Social and Family Affairs	61	28	46%	47	25	53%	3	1	25%
Taoiseach	143	52	36%	46	21	46%	3	2	40%
Transport	90	20	22%	63	18	29%	8	1	11%
Total	**4,201**	**1,211**	**29%**	**1,776**	**610**	**34%**	**223**	**38**	**15%**

The Judiciary
The position in relation to women in the judiciary at December, 2001 was as follows:

Table 7.13
Women in the Judiciary, December 2001

	Total number of Judges	Number of Women	Number of Men	% Female
Supreme Court	8	2	6	25%
High Court	28 (1 vacancy)	3	24	11.1%
Circuit Court	31	9	22	29%
District Court	53	10	43	18.9%

7.10 Security Services

Women made up 14.3% of the Garda Síochána (police force) in December 2002.

An Garda Síochána is committed to and supports equality of opportunity in employment regardless of gender. In line with Government policy, the Garda Commissioner ensures that

the principles and practices of equality of opportunity apply to the recruitment, placement, selection, career, development and all other conditions of service of members of An Garda Síochána.

The Equality Officer for An Garda Síochána is responsible for registering and monitoring grievances concerned with equal opportunities. A designated female member is available in each Garda Division throughout the country to provide support, information, assistance and counselling to any female member subjected to sexual harassment and who seeks advice.

The Irish Prison Service continues to be committed to a policy of equal opportunity in relation to recruitment, employment and training. Family friendly policies such as career breaks, job-sharing (work-sharing for Headquarters staff) and parental leave are currently in operation in all institutions.

The current staff of the Irish Prison Service can be broken down by Grade and Gender as follows:

Table 7.14
Staff of the Irish Prison Service by Grade and Gender

Grade	Male	Female
Governor 1	5	0
Governor 2	15	0
Governor 3	2	1
Deputy Governor	13	1
Deputy Governor (Welfare)	1	0
Assistant Governor	21	1
Assistant Governor (Welfare)	2	0
Assistant Governor (Welfare/Training)	1	0
Inspector (E)	2	0
Inspector (M)	2	0
Chief Officer 1	8	0
Chief Trades Officer	5	0
Clerk 1	22	6
Chief Officer 2	31	0
Chief Officer 2 - Welfare/Training	2	0
Industrial Manager	5	0
Chief Trades Officer 2	17	0
Industrial Training Instructor 2	16	0
Clerk 2	85	25
Asst. Chief Officer	226	16
Asst. Chief Officer (Detail)	11	0
Asst. Chief Officer (Farm)	1	0
Industrial Supervisor	24	4
Prison Officer (Trades)	109	0
Prison Officer	2,152	326
Asst. Industrial Supervisor	55	8
Doctor	23	3
Head Chaplain	1	0
Chaplain (Full-time)	10	7
Chaplain (Part-time)	5	2
Nurse Officer	21	57
Asst. Training Officer (Drugs)	1	0
Staff Cook	0	4
Total	**2,894**	**461**

The current staff of the Irish Prison Service Headquarters can be broken down by Grade and Gender as follows:

Table 7.15
Staff of the Irish Prison Service Headquarters by Grade and Gender

Grade	Male	Female
Director General	1	0
Director	4	1
Director Medical Services	1	0
Deputy Director	5	0
Assistant Director	2	0
Co-ordinator of Education	1	0
Co-ordinator of Work and Training	1	0
Co-ordinator of Nursing	0	1
Pharmacist	0	1
Head Psychologist	1	0
Psychologist Grade 1	2	1
Psychologist Grade 2	1	4
Manager	14	3
Deputy Manager	11	14
Assistant Manager	4	18
Staff Officer	3	5
Clerical Officer	5	18
Services Officer	3	0
Total	**59**	**66**

The Commentary under Article 11 refers to the position of women in the Defence Forces.

(c) ***To participate in non-governmental organisations and associations concerned with the public and political life of the country.***

7.11 There are no legal obstacles to the participation of women in non-governmental organisations and associations concerned with public and political life.

7.12 **National Women's Council of Ireland (NWCI)**
The National Women's Council of Ireland, formerly the Council for the Status of Women, was founded in 1973 to monitor implementation of the recommendations of the first national Commission on the Status of Women. It is an umbrella body which groups together approximately 150 NGOs representative of women's interests and concerns. It is recognised by Government as the body which puts forward women's concerns and perspectives. It receives much of its core funding from the Government as a positive action measure. It is completely independent of Government on policy issues, answerable only to its own elected executive committee and members. In addition to its developmental role it is recognised as an informed and constructive critic of policy initiatives and its leaders enjoy ready access to senior politicians and policy makers.

The Council identifies core functions as lobbying Government, acting as a watchdog on equality issues, providing training and support for its members, changing societal attitudes on gender, linking and networking women's organisations within Ireland, north and south, the European Union through the European Women's Lobby and internationally.

The NWCI states that membership is open to all women's organisations or organisations which have a sizeable female membership. Organisations must be in existence for a year prior to applying for membership.

Affiliated organisations are entitled to appoint two delegates to attend Council meetings, regardless of the size of the organisation. Delegates may be elected to the Executive Committee provided that they have been a delegate for at least a year.

7.13 It is open to women to participate in other key non-governmental organisations such as employer and farming bodies and trade unions.

7.14 The Irish Congress of Trade Unions has promoted the involvement of women in trade unions, with seats reserved for women on the National Executive, a Women's Committee and biennial women's conference.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.

8.1 Women have the opportunity to represent Ireland at an international level and to participate in the work of international organisations. Opportunities for women to represent Ireland at the international level arise across all Government Departments and not just the Diplomatic Service. As a member of the wide range of international organisations including the United Nations, the European Union, the Council of Europe and the Organisation for Economic Co-operation and Development, Ireland is called upon to attend a large number of meetings within these fora. No statistics are kept as to the breakdown by sex of civil servants representing Ireland at such meetings, but at all times the overriding consideration in nominating officers to attend is the competence of the individual concerned and their familiarity with the subject matter of the meeting. There is no discrimination on grounds of sex involved in this process and many Irish women represent their country at international meetings in the fora mentioned above.

The following is the breakdown of Diplomatic Staff in the Department of Foreign Affairs by grade and gender:

Table 8.1
Diplomatic staff in the Department of Foreign Affairs (2002)

Grade	Male	Female	Total Posts	% Female
Secretary General	1	-	1	0
Ambassador Grade I	1	-	1	0
Second Secretary	3	-	3	0
Ambassador Grade II	4 32	1 4	5 36	20
Assistant Secretary/Ambassador	32	4	36	11.11
Counsellor	55	13	68	19.12
First Secretary	79	21	100	21
Third Secretary	37	55	92	59.78

8.2 As regards participation in the work of international organisations, vacancies advertised in those organisations are circulated to all Irish civil servants and every support and assistance is given to intending applicants - regardless of sex – in the participation of their applications. The main international organisations in which Irish citizens participate are the European Union and the United Nations. Set out below is a breakdown of representation of men and women in the two organisations. It should be noted that the Irish Government has no influence over the internal recruitment processes of the two bodies.

8.3 European Union

The following is a breakdown by sex and grade of Irish staff employed in administrative positions in the Institutions of the European Union by grade and gender:

Table 8.2

	Category A (Administrator)	Category LA (Translation Service)	Category B (Executive Officer)	Category C (Clerical/ Secretarial)	Category D (Messenger, Driver, Workshop Staff)	Total
Male	156	18	53	25	9	**261**
Female	39	14	**37**	262	3	**355**
Total	195	32	90	287	12	**616**
% Female	**20**	**43.75**	**41.11**	**91.19**	**25**	**57.63**

The following is a break down by sex of Irish members of the European Parliament and other EU institutions:

Table 8.3

Body	Total	Male	Female	% Female
European Parliament	16	11	5	31.25
Court of Justice	1	0	1	100
Court of First Instance	1	1	0	0
Court of Auditors	1	-	1	100
European Commission	1	1	-	0
Economic and Social Committee	9	6	3	33.33
Committee of the Regions	8	5	3	37.5
Alternate Members	9	3	5	62.5

United Nations

The following is a breakdown by sex of Irish members of the United Nations including Irish representatives working in the UN secretariat and agencies based in New York, Geneva and Vienna):

Table 8.4

Total Irish Representation	Male	Female	% Female
130	86	44	33.85

ARTICLE 9

1. ***States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.***

2. ***States Parties shall grant women equal rights with men with respect to the nationality of their children.***

9.1 Under provisions of the Irish Nationality and Citizenship Acts, 1956 to 2001, no differentiation is made between the sexes insofar as the acquisition of Irish citizenship is concerned.

9.2 Under the Irish Nationality and Citizenship Act (INCA), 1986, all spouses of Irish citizens (who have acquired Irish citizenship other than through honorary citizenship, naturalisation or on the basis of marriage) are entitled to Irish citizenship upon making a declaration accepting Irish citizenship as post-nuptial citizenship provided that:

(a) the marriage is subsisting at the date of lodgement of the declaration; and

(b) the couple are living together as husband and wife and the spouse who is an Irish citizen submits an affidavit to that effect when the declaration is being lodged.

9.3 The INCA, 2001 has repealed the above provision with effect from 30 November 2002. However, a transitional arrangement allows those couples who married prior to that date to lodge a declaration of post-nuptial citizenship on or before 29 November 2005. Non-nationals who marry an Irish citizen on or after 30 November 2002 will be required to apply for naturalisation. The Minister may grant such an application by the non-national spouse of an Irish citizen if satisfied that the applicant

i. is of full age
ii. is of good character
iii. is married to that citizen for a period of not less than 3 years
iv. is in a marriage recognised under the laws of the State as subsisting
v. and that citizen are living together as husband and wife and that citizen submits to the Minister an affidavit in the prescribed form to that effect
vi. had immediately before the date of the application a period of one year's continuous residence in the island of Ireland
vii. had, during the 4 years immediately preceding that period, a total residence in the island of Ireland amounting to 2 years
viii. intends in good faith to continue to reside in the island of Ireland after naturalisation, and
ix. has made, either before a judge of the District Court in open court or in such manner as the Minister, for special reasons, allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

The Minister is empowered to waive the conditions at (iii), (vii) and (viii) if he is satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

9.4 Under Irish law there is no obligation on citizens to change nationality upon marriage to a non-national. Similarly, change of nationality by either spouse during marriage does not automatically change the nationality of the other spouse, render him/her stateless or force upon him/her the nationality of the other spouse. Furthermore, under Irish law, the holding of dual nationality is permitted.

The Irish Nationality and Citizenship Acts, 1956 to 2001, grant women equal rights with men with respect to the nationality of their children.

ARTICLE 10

State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) ***the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;***

(b) ***access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;***

(c) ***the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of text books and school programmes and the adaptation of teaching methods;***

(d) ***the same opportunities to benefit from scholarships and other study grants;***

(e) ***the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;***

(f) ***the reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;***

(g) ***the same opportunities to participate actively in sports and physical education;***

(h) ***access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.***

10.1 The fundamental aim of the Irish educational system is to enable each person to achieve her/ his potential.

10.2 The ***Education Act 1998*** makes specific provision for the promotion of equality of access to and participation in education and the means whereby students benefit from education. The Act specifically provides for equal access to all forms of education and courses of study and equal opportunities between female and male students and staff. The Act requires School Boards of Management to promote respect for the diversity of values, beliefs, traditions and ways of life in society.

All statistics collected by the Department of Education and Science are disaggregated by sex.

10.3 Under the provisions of the National Development Plan 2000-2006 the Department of Education and Science received funding to enable it to establish a dedicated Gender Equality Unit to co-ordinate and monitor the process of mainstreaming a gender perspective into all areas of the education system. The Unit will also develop a computerised management information system and Higher Education Networks. Positive Action will continue to be undertaken where necessary.

The Gender Equality Unit was established in June 2001 and has the following Mission Statement; *The Gender Equality Unit is committed to ensuring that the Department of Education and Science is enabled to integrate a gender dimension into all its services, actions, programmes and measures for children and adults, at all levels. A high level of compliance with equality legislation will be promoted and sustained.* The Unit is located within the Strategic Policy Unit of the Department and the Director of Strategic Policy chairs its Management Committee. A Plan of Action for the Unit has been prepared and was publicly launched in December 2001.

Actions currently under way.

10.4 The Unit has requested the Statistics Section of the Department to carry out a comprehensive review of the current indicators under which data are collected by the Section. This work will be completed in May 2003 and will provide a baseline of information as well as identifying gaps where new indicators may be required in order to monitor progress in achieving equality between the sexes in Irish education. It is intended to publish a report of the review in 2003.

10.5 A Research Committee within the Unit has been established. The Committee awards grants to research bodies and bursaries to Ph.D students to undertake research in areas related to gender equality. The Committee includes experts on gender and education from two Universities. The Committee awarded nine research grants and seven bursaries in 2002. Further research grants and bursaries will be awarded over the period 2003-2006.

10.6 The ***Women's Educational Initiative,*** funded by the Department of Education and Science and aided by the European Social Fund, was established to assist projects to address the current gaps in provision for educationally disadvantaged women. It was established in 1998 and over a two year period to 2000, thirteen projects were supported to develop models of good practice to improve provision for educationally disadvantaged women. The aim was that these models would be capable of wider application and impact on future policy, thereby bringing about long-term change in future educational opportunities for educationally disadvantaged women.

10.7 A new ***Educational Equality Initiative*** commenced in 2000 which seeks to address educational disadvantage through the strategic allocation of funding of €4.44m under the National Development Plan over the period 2000-2006. This initiative targeted disadvantaged women's and men's groups. Eighteen projects will receive funding under the first phase of this initiative; six are projects for women, two are for men's groups and the remainder are coeducational. One of these projects is for women who have experienced abuse. **Access to Education for Women who have experienced abuse – National Programme** – this will provide an opportunity for women who have experienced male violence to prepare for further education or employment. The course will facilitate and empower women to begin to take back control of their own lives and futures.

10.8 The ***Back To Education Initiative*** provides opportunities to return to learning for young people and adults, a re-entry route for those in the workplace who wish to upgrade their skills in line with emerging needs, and with its emphasis on part time provision, the chance to combine a return to education and training with family, work and other responsibilities. The overall objective of the BTEI is to increase the participation of young people and adults with less than upper secondary education in a range of flexible learning opportunities. The BTEI is intended to make further education provision more accessible generally. However, a priority is to target the individuals and groups that experience particular and acute barriers to participation. Therefore, high priority will be given to increasing participation by individuals from particular groups

including disadvantaged women, lone parents and others with caring responsibilities that may prohibit their participation in full time courses.

10.9 FÁS, the national Training and Employment Authority, first launched its Action Programme for Women in 1990. Since then FÁS has developed and operated an annual action programme each year, building on the success of previous years. The programme aimed at increasing and broadening the range of training and employment opportunities available for women. Women in Focus 1998, reviewed the overall level of women's participation across all FÁS programmes and outlined the strategy to be adopted over the life of the new Women in Focus Programme 1998-2000. FÁS undertook a review of the role and function of the programme in 1998 and decided to change its focus by putting more emphasis on monitoring and ensuring that progress made is maintained and built upon. Over 1998-2000 the focus was on ensuring that FÁS services reach key groups, such as long-term unemployed, women returnees, women with disabilities, Traveller women and early school leavers.

10.10 FÁS continues to monitor the participation of women across all its programmes and is committed to developing performance indicators to ensure that the participation rates for women throughout the full range of FÁS programmes are maintained.

10.11 In 2001, FÁS submitted a proposal under the Equality for Women measure to the Department of Justice, Equality and Law Reform. The proposal was successful and implementation of the project began in January 2002. Funding is available up to the end of 2003. The project "Gateway for Women" aims to adopt a new approach to providing a range of supports for women wishing to return to work and financial aid to establish local co-ordinating structures in each FÁS region to drive and co-ordinate a locally-based and integrated service for women returners.

"Gateway for Women" is one of the ways in which FÁS is adopting more flexible methods of delivering services. It is a tailored response to individual's needs and focuses on addressing concerns experienced by women returnees such as flexibility of training and accessibility to services. All provision is locally based and adapted to each woman's particular needs. The process is currently operating in the Dublin area and will be extended to other parts of the country over the next twelve to eighteen months.

In addition to managing the "Gateway for Women" process, FÁS was also requested to work with six rural projects that received funding from this Equality for Women measure. All six projects are community-based and are planning to operate programmes for women returners. The "Gateway for Women" process is supported by the Irish Business Employer's Confederation (IBEC), Irish Congress of Trade Unions (ICTU), National Women's Council of Ireland and Northside Partnership, Dublin. This process is jointly funded by FÁS and the Department of Justice, Equality and Law Reform's Equality for Women Measure.

10.12 **Special Measures to Promote Gender Equality**

The Gender Equality Unit of the Department of Education and Science has carried out training with key players in the education system, on the process of gender mainstreaming. This has included training for the School Development Planning Support Services for primary and secondary schools. Under the Education Act of 1998, all schools must develop a written School Plan which must set out the school's basic philosophy, a statement of its mission, vision and aims as well as its curriculum provision etc. In order to assist schools in developing their Plan, the Department established a Support Service, which includes teams of facilitators at primary and secondary levels. As well as assisting individual schools, the Services facilitators have produced guidelines which, as a result of the training on gender mainstreaming, include a section on

equality proofing. Future guidelines will treat in more detail approaches to the promotion of gender equality. Awareness of issues relating to gender equality is also raised by the facilitators at regional seminars for schools and at planning days for school communities.

All members of the Department of Education and Science Inspectorate have undergone training on the process of mainstreaming a gender perspective into the areas of work of the Inspectorate.

10.13 The Equality Authority, in co-operation with the Department of Education and Science, is developing a Code of Practice on ***The Inclusive School***.

10.14 Sexual Harassment in Schools

The teachers' unions have procedures in place to deal with cases of sexual harassment of teachers, either by management, other teachers or by students. The Employment Equality Act 1998, includes provisions regarding sexual harassment and the Equal Status Act 2000 prohibits sexual harassment (and harassment) in educational establishments.

In 2001 the Labour Court awarded €10,000 and €20,000 respectively to two female teachers who were subjected to sexual harassment by students in a school over a protracted period of time. The Labour Court determination was the result of an appeal by the Board of Management of the school against an Equality Officer recommendation under the Employment Equality Act 1977 issued in 2001. The Court determined that the school had discriminated against the claimants on the grounds of sex, by failing to provide them with a workplace free from sexual harassment.

In relation to sexual harassment of students by students, school authorities are assisted by the Teacher Unions and by the Department of Education and Science in developing a school policy on this issue with procedures for dealing with both the perpetrators and victims of sexual harassment. Two of the Department's intervention programmes deal specifically with the issue, BALANCE- who cares? and Exploring Masculinities (this is an intervention project for boys).

Both of these programmes also deal with other gender related issues, such as the need to share responsibilities in the home and in the community.

(a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.

10.15 There is formal equality between men and women in all sectors and levels of education in Ireland as contained in the Education Act 1998. Specific measures undertaken to achieve de facto equality of opportunity in education are set out below (Paragraphs 10.12 and 10.24 also refer).

10.16 In recent years there has been a decline in the number of males opting for science and technology subjects in schools and courses at third level, and despite a small increase in the number of females in these areas, due mainly to interventions targeted at females, there is now a concern that Ireland may have a shortfall of skilled personnel to meet the future employment demands in the science and technology sectors. The Department of Education and Science is supporting measures

aimed at reversing this trend, and in addition, the Gender Equality Unit intends to launch a new awareness campaign targeting female students to consider courses and careers in the areas of science and technology. This campaign will commence in 2003.

10.17 The report "*Co-Education and Gender Equality*" was published by the Economic and Social Research Institute in 1996. The findings of this research, which indicated that coeducation does not adversely affect girls' academic achievement, have fed into the Department's policy in relation to coeducation. More recent research on aspects of coeducation has been supported by the Department and widely disseminated.

10.18 It is the policy of the Department of Education and Science that all new schools will be coeducational. In recent years many single sex schools have amalgamated to form new coeducational schools and in-service training on issues around coeducation has been provided to a number of these schools.

Table 10.1 shows the number of persons receiving full time education by gender and type of school or college for 2000/2001.

Table 10.1
Number of Persons Receiving Full-Time Education by Gender and Type of Institution Attended (2000/2001)

TYPE OF INSTITUTION ATTENDED	MALE	FEMALE	TOTAL
FIRST LEVEL - Aided by Dept. of Education			
National Schools	**226,333**	**213,227**	**439,560**
Pupils in Ordinary Classes	216,854	206,490	423,344
Pupils in Special Schools	4,514	2,610	7,124
Pupils with special needs in Ordinary National Schools	4,965	4,127	9,092
Non-Aided Primary Schools	**2,660**	**2,562**	**5,222**
TOTAL-First Level	**228,993**	**215,789**	**444,782**
of which aided by Department of Education & Science	*226,333*	*213,227*	*439,560*
SECOND LEVEL - Aided by Dept. of Education			
Junior Cycle	**91,471**	**89,527**	**180,998**
Secondary	50,145	58,631	108,776
Community & Comprehensive	15,536	13,175	28,711
Vocational	25,790	17,721	43,511
Senior Cycle	**66,875**	**72,101**	**138,976**
Secondary	39,140	48,688	87,828
Community and Comprehensive	11,182	10,090	21,272
Vocational	16,553	13,323	29,876
VPT	**7,211**	**18,199**	**25,410**
Secondary	124	648	772
Community & Comprehensive	257	926	1,183
Vocational	6,830	16,625	23,455
Horology College	**8**	**1**	**9**
Other Courses	**363**	**647**	**1,010**
Institutes of Technology	363	647	1,010
Hotel Training & Catering College, Killybegs	0	0	0
Aided by other Depts. (Agriculture/Defence)	**907**	**235**	**1,142**
Non-Aided / Commercial	**770**	**959**	**1,729**
TOTAL-Second Level	**167,605**	**181,669**	**349,274**
of which aided by Department of Education & Science	*165,928*	*180,475*	*346,403*
THIRD LEVEL - Aided by Dept. of Education			
TYPE OF INSTITUTION ATTENDED	**MALE**	**FEMALE**	**TOTAL**
***H.E.A. Institutions (Aided)**	**28,770**	**40,484**	**69,254**
Teacher Training	**65**	**895**	**960**
Primary	56	542	598
Home Economics	9	353	362
Technological Colleges	**25,497**	**22,863**	**48,360**
Institutes of Technology	25,314	22,589	47,903
Killybegs & Tipperary Institute	183	274	457
Other Aided Institutions	**512**	**905**	**1,417**
Aided by Other Departments (Justice/Defence)	**842**	**350**	**1,192**
Non-Aided	**2,272**	**2,845**	**5,117**
Religious Institutions	312	492	804
Royal College of Surgeons in Ireland	673	610	1,283
Other	1,287	1,743	3,030
TOTAL - Third Level	**57,958**	**68,342**	**126,300**
of which aided by Department of Education & Science	*54,844*	*65,147*	*119,991*
GRAND TOTAL	**454,556**	**465,800**	**920,356**
of which aided by Department of Education & Science	*447,105*	*458,849*	*905,954*

10.19 In the 1999/2000 school year, 97.9% of 15 year old, 87.7% of 17 year old and 70.7% of 18 year old females were in receipt of full-time education.

10.20 Since September 1994, students may spend up to a maximum of three years in Senior Cycle, by opting to follow a Transition Year Programme prior to a two-year Leaving Certificate programme. This option provides opportunities for personal and social development.

The overall aim of the Transition Year Programme is education for maturity with emphasis on personal development including social awareness and increased social competence. The element of work experience - an integral part of the programme - affords students the opportunity to experience work of a non-stereotypical nature. The guidelines for the programme emphasise that Civic, Social and Political Education should permeate all aspects of the programme including the "hidden curriculum" and that gender equality should be emphasised throughout.

10.21 There are three Leaving Certificate options:

1 a Leaving Certificate programme offering subjects at two levels, higher and ordinary, with a third, foundation level in Irish and Mathematics;

2 a Leaving Certificate Vocational Programme, the most striking feature of which adopts a broader and more interdisciplinary approach to the vocational dimension of the programme. The programme ensures optimum access to vocational education for all students, without gender or other biases. Career investigation is an obligatory module in this programme.

3 a Leaving Certificate Applied (LCA) Programme, a distinct two-year programme, designed for those students who do not wish to proceed directly to third level education or for those whose needs, aspirations and aptitudes are not adequately catered for by the other two Leaving Certificate programmes. The LCA is characterised by educational experiences of an active, practical and student centred nature.

10.22 Syllabi for the established Leaving Certificate continue to be revised, on a phased basis, by the ***National Council for Curriculum and Assessment***. Revised syllabi (Higher and Ordinary Levels) in Irish, French, German, Spanish, Italian, Accounting, English, Physics, Chemistry, Biology, Home Economics have been introduced. Foundation level syllabi are now available in two subjects - Irish and Mathematics - in addition to the ordinary and higher levels. Revised syllabi in History, Geography, Technology subjects, Art and Agricultural Science will be introduced in 2004 and Classical subjects, Mathematics and Economics in 2005/2006.

10.23 Leaving Certificate

Table 10.2 provides details of the numbers of girls taking selected subjects at the Leaving Certificate Programme.

Table 10.2
Percentage of girls taking selected subjects of Leaving Certificate Programme, 1999/2000

SUBJECT	%
Irish	51.5
English	51.5
Mathematics	51.5
Applied Mathematics	20.0
Physics	24.0
Chemistry	53.0
Physics and Chemistry	29.0
Biology	66.0
Home Economics, Social and Scientific	85.0
Physical Education	54.0
Choir	91.0
Orchestra	96.0
Engineering	5.0
Technical Drawing	7.0
Construction Studies	6.6

Source: Department of Education Statistical Report.

(c) ***The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of text books and school programmes and the adaptation of teaching methods.***

10.24 (See co-education in Paragraphs 10.17 and 10.18)

Materials aimed at eliminating stereotypes and promoting gender equality are produced by a number of sources. There are no detailed figures on the percentage of schools and students that have been reached by such materials. The materials produced by the Department of Education and Science are generally disseminated throughout the education sector, to schools and colleges and at relevant teacher in-service courses.

The materials available from the Department of Education and Science are:

FUTURES: a pack of materials which integrate gender issues into subjects on the curriculum. This pack was first printed in 1992 and has been reprinted twice;

BALANCE – who cares?: a module in Social Education and Equality Issues, first published in 1997 has been reprinted in 1999;

Exploring Sex Stereotyping: a manual and video dealing with issues related to gender role stereotyping was first published in 1994 and was reprinted in 1998;

The Equality Pack: a pack of resource materials for primary school teachers was published in 1994;

Archimedes' Daughters – Careers in Engineering for Women: a video which includes interviews with young women who have chosen a career in Engineering, for use with students in second level school (ages 12-18 years), published in 2000;

Discovering Women in Irish History: a CD ROM, textbook and web site for senior cycle students (age 15-18 years) will be available in September 2003;

Role Model Days : A resource pack for colleges. The Department of Education and Science funded this project which was developed by Women in Technology and Science.

The National Council for Curriculum and Assessment advises the Minister for Education and Science on curriculum and assessment for early childhood education, primary and post-primary schools. They are required, inter alia, to promote equality of access to education generally and to instruction in any particular subjects between male and female students.

All programmes on gender equality apply to all schools, including private schools.

10.25 School Principal Appointments

There is concern regarding the gender imbalance in relation to school principal appointments. In the post primary sectors (Comprehensive and Community, Voluntary Secondary) females constitute 62.6% of the teaching staff. However, only 33% of the principals in these schools are female. These appointments are a function of individual school management boards.

In response to this situation, the Department of Education and Science commissioned research in 1997 on the actual position of women in management positions in Irish schools. As a follow-up, pilot courses were run by the Department of Education and Science for female teachers. These course are continuing and a Manual for Trainers was published in 2001. The results of the research and evaluation of the early pilot courses are published in the book "***Stepping out of the Shadows" (1999).***

(d) the same opportunities to benefit from scholarships and other study grants;

(e) the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

10.26 The establishment of a ***National Adult Learning Council*** was one of the measures announced in the White Paper on Adult Education, ***Learning for Life***, published in August 2000. The Council, which was established in March 2002, represents key stakeholders in the field of adult education and training (education, training, social partners, community and voluntary sector and learners) to ensure a co-ordinated strategy. The Council will play a key role in advising on future developments, promoting co-ordination and liaison, engaging in research and staff development, and supporting international co-operation. It will also be an important catalyst for change and development in that it will have staff resources dedicated to this task and will have a specific remit to progress workplace learning, community education, an equality strategy, and to establish an advisory group on the integration of people with physical and learning disabilities into adult education.

10.27 Vocational Education Opportunities

The access to, and attendance in, vocational education opportunities, such as the Vocational Training Opportunities Scheme (VTOS), Youthreach and Senior Traveller Training Programmes, of unemployed parents and early school leavers are facilitated by childcare. This takes the form of direct provision in centres or rented premises, the purchase of places in existing community or commercial crèches and certain payments to registered childminders. The Training and Employment Authority, FÁS, has also facilitated access by women to its training courses through the provision of payments towards childcare costs.

10.28 Other Educational Opportunities

The recommendations of the Report of the Working Group on Women's Access to Labour Market Opportunities, under Partnership 2000, and the review of the Training and Employment Authority (FÁS) Return to Work scheme will be progressed with a view to enhancing the employability and skills of women returning to the labour market.

Recommendations include:

- the gender proofing of the National Qualifications Authority work on credit accumulation and transfer schemes and the accreditation of prior and experiential learning; *The National Qualifications Authority has recently published a policy document on access transfer and progression to qualifications. The policy document (available on the National Qualifications Authority website, www.nqua.ie) addresses, inter alia, the issue of credit systems and accreditation of prior learning.*

- the development of a broader range of mainstream education and training courses to be available on a part-time basis; *One of the features of the Back to Education Initiative is the number of part time courses which are designed to facilitate women in particular.*

- the location of courses to take account of the availability and cost of transport to ensure ease of access; *Vocational schools are located in all counties and are easily accessible.*

- ensure that there is a gender balance on Specific Skills Courses; *Overall, the percentage of women participating on FÁS training programmes increased from 47% in 1996 to 52% in 2000 (excluding apprenticeships). 12,858 people participated on specific skills courses in 2000, of whom 5,837 (45%) were women.*

- that statutory training authorities and EU and State funded training programmes should ensure that childcare facilities are available for parents availing of the courses. (*See Paragraph 10.27*).

10.29 Special provision for localised and family friendly training of women farmers and women who manage farms in conjunction with their spouses will be sustained. Teagasc (The Agriculture and Food Development Authority) has made special provision for the training of women farmers. This aims to give women farmers family-friendly training for their role on the farm with specific emphasis on IT training and farm accounts.

10.30 Participation in Higher Education[1]

The distribution of entrants by gender and college type in 2000 is shown in Table 10.3. Females constituted a majority (53.5%) of new entrants. In 1980, 46% of new entrants were females compared to 48% in 1986 and 49% in 1992. Females now constitute 60% of entrants to the university sector, 88% of entrants into the colleges of education and 47% of entrants into the technological sector.

10.31 Field of Study

The pattern of admission by field of study continues to be strongly differentiated by gender. This differentiation is elaborated in Table 10.4. Females now constitute slightly more than half (53.57%) of all entrants. They were also in the majority in four fields of study: Education (83%), Social Sciences, Business and Law (61.5%), Humanities and Art (67%) and Health and Welfare (78.5%). In contrast, females constituted only 16% of entrants into Engineering, Manufacturing and Construction, which continues to be the most sex-typed field of study.

Table 10.3
Distribution of New Entrants to Higher Education in 2000/2001
by Gender and College Type

COLLEGE TYPE	Male		Female		Total	
	N	%	N	%	N	%
University Sector	6,467	40	9,743.00	60	16,210	100
Institutes of Technology	9,862	53	8,668	47	18,530	100
TOTAL all Colleges	16,329	47	18,411	53	34,740.00	100

Source: Department of Education and Science

Table 10.4
Graduates of all Full-Time Undergraduate Programmes in 2000/2001 - Level 1

FIELD OF STUDY	Male %	Female %	Total No.
Humanities and Arts	32.0	67.0	4,435
Science, Mathematics, Computing	51.0	49.0	6,404
Engineering, Manufacturing and Construction	84.0	16.0	5,066
Health and Welfare	21.5	78.5	2,330
Social Sciences, Business and Law	38.5	61.5	9,282
Education	17.0	83.0	994
TOTAL %	**46.4**	**53.6**	**100**
TOTAL No.	**13,235**	**15,276**	**28,511**

Source: HEA Third Level Data

[1] **HEA Third Level Data 2000/2001.**

10.32 Developments in Higher Education Institutions

Measures adopted to promote gender equality vary between third level institutions. Some examples are:

- The establishment of official committees in institutions to monitor and report on the position of women academics.

- Special measures for students in their final year at second-level in relation to entry to courses which have an apparent imbalance in the gender mix of students. These include:

  (i) weekend schools and "open days" to introduce students to Physics and other sciences, Engineering and Technology;
  (ii) a special Mathematics examination to facilitate entry of applicants who may not have had the opportunity to study Higher Mathematics at secondary school;
  (iii) highlighting the achievements of women in Engineering, Mathematics and the Natural Sciences in school liaison programmes.

- Introduction of courses in Women's Studies in the universities.

10.33 The Higher Education Authority is to be reconstituted with a wider remit. Among other things, it will be responsible for monitoring gender equality policies in third-level institutions and for providing appropriate support at national level.

All the institutions under its aegis will be asked to develop and publish policies to promote gender equality. These will include:

- policies for the promotion of equal opportunities and associated action programmes, including procedures for preventing the sexual harassment of students and employees;

- strategies to encourage increased participation by women students in faculties and courses of study in which they have been traditionally under-represented, including liaison with second-level schools and the preparation and distribution of suitable promotional materials;

- appropriate gender balance on all staff selection boards;

- encouraging and facilitating women to apply for senior academic and administrative positions;

- the putting in place of arrangements to assist students with young children.

10.34 The Higher Education Authority, with the co-operation of University College Cork, is funding the post of Organiser for the National Forum on Equality of Opportunity at Third-Level. The tasks of the post holder will include the establishment of a national network for sharing information and ideas on equality-related issues and the development of a data base in this area.

10.35 HEA Equality Review

The majority of the institutions currently within the statutory remit of the HEA, under the Universities Act, are autonomous as regards the management of their internal and external affairs but are obliged in doing so to have due regard to the promotion and preservation of equality opportunity and access.

Section 36 sets out that a governing authority shall prepare a statement of the policies of the university in respect of:

(*a*) access to the university and to university education by economically or socially disadvantaged people, by people who have a disability and by people from sections of society significantly under-represented in the student body;

and

(*b*) equality, including gender equality, in all activities of the university, and shall implement the policies set out in the statement.

Under Section 49 of the same act it is stated that the HEA may conduct a review of, and are to assist in, the achievment of the objectives of those policies. Preparations for the first such review are currently at an advanced stage.

10.36 National Office for Equity

The HEA has addressed the issues of equality in higher education in a number of significant studies, of particular relevance in this context is *Access and Equity in Higher Education: An International Perspective on Issues and Strategies,* by Professor Malcolm Skilbeck. The HEA commissioned this report with two main purposes (i) to consider trends and issues in international movements aimed at improving and sustaining equity in higher education; and (ii) to identify strategies and procedures that show promise in meeting policy objectives of achieving greater equity in higher education.

A key theme highlighted in both this and other reports is the need for a strategic and coherent national policy on access and equality to be achieved in collaboration between all relevant stakeholders. This view was reinforced by the HEA submission in January 2001 to the ***Action Group on Access to Third Level Education***. The recommendation was adopted in its final report in May 2001, that a ***National Office for Equity of Access to Higher Education*** be established to co-ordinate all access related activities at third level. In November 2002, the Minister for Education and Science announced his approval for the establishment of this national office, within the ***Higher Education Authority*** to ensure the effective implementation of many of the recommendations in the report, in partnership with the Department of Education and Science, the third level institutions and other stakeholders and agencies.

The following tables provide additional gender disaggregated data on students in higher education and university staff:

Table 10.5
Number of persons receiving full-time Third Level education by gender & type of institution attended

TYPE OF INSTITUTION ATTENDED	Male	Female	Total
Aided by Dept. of Education			
***H.E.A. Institutions (Aided)	**28,770**	**40,484**	**69,254**
Teacher Training	**65**	**895**	**960**
Primary	56	542	598
Home Economics	9	353	362
Technological Colleges	**25,497**	**22,863**	**48,360**
Institutes of Technology	25,314	22,589	47,903
Killybegs & Tipperary Institute	183	274	457
Other Aided Institutions	**512**	**905**	**1,417**
Aided by Other Departments (Justice/Defence)	**842**	**350**	**1,192**
Non-Aided	**2,272**	**2,845**	**5,117**
Religious Institutions	312	492	804
Royal College of Surgeons in Ireland	673	610	1,283
Other	1,287	1,743	3,030
TOTAL - Third Level	**57,958**	**68,342**	**126,300**
of which aided by Department of Education & Science	54,844	65,147	119,991

H.E.A. Institutions (Aided)

H.E.A. Institutions catered for a total of 71,239 students in the academic year 2000/2001. The figure of 69,254 presented above does not include all students from the R.C.S.I. (1,283) and some students from the following colleges;

Primary Teacher Training (518), Home Economic Colleges (100) and Institutes of Technology (84).

Table 10.6
Full-Time Enrolments in HEA Institutions in the Academic Year 2001/2002

	UCD	UCC	[illegible]	TCD	[illegible]	DCU	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	TOTAL MALE	TOTAL FEMALE	TOTAL
UNDERGRADUATE														
Degrees	11,709	8,973	7,444	9,040	3,615	4,726	1,528	6,598	1,784	718	1,259	24,555	32,839	**57,394**
Dips & Certs	442	621	314	733	25	573	0	389	0	0	37	301	2,833	**3,134**
Occasionals	26	410	595	210	30	5	0	0	0	0	0	375	901	**1,276**
TOTAL	**12,177**	**10,004**	**8,353**	**9,983**	**3,670**	**5,304**	**1,528**	**6,987**	**1,784**	**718**	**1,296**	**25,231**	**36,573**	**61,804**
POSTGRADUATE														
PhD	744	394	309	584	204	164	0	203	14	7	64	1,403	1,284	**2,687**
Masters	1,661	871	742	1,141	300	752	0	537	53	67	71	2,955	3,240	**6,195**
Postgrad Dip & Cert	734	732	689	235	336	161	309	312	120	16	0	1,086	2,558	**3,644**
Occasional	0	0	0	10	0	0	0	0	0	0	0	4	6	**10**
TOTAL	**3,139**	**1,997**	**1,740**	**1,970**	**840**	**1,077**	**309**	**1,052**	**187**	**90**	**135**	**5,448**	**7,088**	**12,536**
TOTAL FULL-TIME	**15,316**	**12,001**	**10,093**	**11,953**	**4,510**	**6,381**	**1,837**	**8,039**	**1,971**	**808**	**1,431**	**30,679**	**43,661**	**74,340**

Table 10.7
ALL FULL-TIME UNDERGRADUATE STUDENTS BY FIELD OF STUDY 2000/2001

FIELD OF STUDY	UCD	UCC	NUIG	TCD	NUIM	DCU	SPD	UL	MIC	NCAD	RCSI	TOTAL MALE	TOTAL FEMALE	GRAND TOTAL
Arts	3,612	3,186	3,102	2,447	2,379	-	363	421	630	-	-	5,109	11,031	**16,140**
Education	-	-	-	767	-	37	1,056	555	1,070	92	-	636	2,941	**3,577**
Art & design	-	-	-	-	-	-	-	26	-	601	-	196	431	**627**
Business, Economic & Social Studies	-	-	-	1,329	-	-	-	-	-	-	-	535	794	**1,329**
Equestrian	-	-	-	-	-	-	-	126	-	-	-	28	98	**126**
European studies	-	-	-	-	-	-	-	548	-	-	-	132	416	**548**
Social science	414	365	-	-	47	-	-	-	-	-	-	109	717	**826**
Communications & Info Studies	-	-	-	-	-	728	-	-	-	-	-	172	556	**728**
Commerce	1,920	1,291	1,027	-	-	1,652	-	1,867	-	-	-	3,583	4,174	**7,757**
Law	427	443	237	409	-	-	-	24	-	-	-	536	1,004	**1,540**
Science	1,579	1,161	1,628	1,542	746	698	-	538	-	-	-	3,311	4,581	**7,892**
Engineering	953	628	779	777	30	509	-	1,189	-	-	-	3,858	1,007	**4,865**
Architecture	234	-	-	-	-	-	-	-	-	-	-	117	117	**234**
Medicine & nursing	1,660	1,105	709	1,700	-	490	-	337	-	-	1,202	2,083	5,120	**7,203**
Dentistry	-	177	-	244	-	-	-	-	-	-	-	179	242	**421**
Veterinary Medicine	371	-	-	-	-	-	-	-	-	-	-	169	202	**371**

Table 10.7 Cont'd

ALL FULL-TIME UNDERGRADUATE STUDENTS BY FIELD OF STUDY 2000/2001

FIELD OF STUDY	UCD	UCC	NUIG	TCD	NUIM	DCU	SPD	UL	MIC	NCAD	RCSI	TOTAL MALE	TOTAL FEMALE	GRAND TOTAL
Agricultural Science & Forestry	795	-	-	-	-	-	-	66	-	-	-	584	277	**861**
Food Science & Technology	-	528	-	-	-	-	-	68	-	-	-	144	452	**596**
Computing & IT	83	925	290	651	191	923	-	1,309	-	-	-	3,016	1,356	**4,372**
Combined Studies	-	-	-	-	-	-	-	-	-	-	-	-	-	**-**
TOTALS	**12,048**	**9,809**	**7,772**	**9,866**	**3,393**	**5,037**	**1,419**	**7,074**	**1,700**	**693**	**1,202**	**24,497**	**35,516**	**60,013**

Table 10.8
Full-Time Staff In Irish Universities 2000/2001

	UCD	UCC	NUIG	TCD	NUIM	DCU	UL	TOTAL MALE	TOTAL FEMALE	GRAND TOTAL
Academic										
Professor	90	68	39	57	21	22	33	**307**	**23**	**330**
Associate Professor	57	44	38	65	7	8	12	**211**	**20**	**231**
Statutory/Senior Lecturer	164	92	58	133	53	37	62	**494**	**105**	**599**
College Lecturer	436	202	72	266	99	156	170	**930**	**471**	**1401**
Assistant Lecturer	129	0	99	0	1	72	55	**187**	**169**	**356**
Other teaching Staff	92	133	60	14	6	32	26	**192**	**171**	**363**
Unspecified	0	0	0	0	0	0	0	**0**	**0**	**0**
Total Academic	**968**	**539**	**366**	**535**	**187**	**327**	**358**	**2,321**	**959**	**3,280**
Non-Academic	1,116	768	497	840	186	315	306	**1,739**	**2,229**	**4,028**
TOTAL FULL-TIME	**2,084**	**1,307**	**863**	**1,375**	**373**	**642**	**664**	**4,120**	**3,188**	**7,308**

Notes:

Full-time staff includes contract staff who are employed on a full-time basis

Technical & Laboratory Staff in UCC include staff in the National Microelectronics Research Centre.

Technical & Laboratory Staff in UCD include staff in the Virus Reference Laboratory, Diagnostic Laboratories and the Medical Bureau of Road Safety.

(f) the reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely.

10.37 Under The Education (Welfare) Act 2000, The National Education Welfare Board has been established. The Act raises the minimum school leaving age to 16 years or the completion of 3 years of the Junior Cycle, whichever is the later. The general functions of the Board will be to ensure that each child attends a recognised school or otherwise receives a certain minimum education. The Act sets out the functions of the Board, the Educational Welfare Officers, School principals and parents in relation to the education of children. A register of all children in receipt

of education in a place other than a recognised school will be established and maintained by the Welfare Board.

10.38 The **School Completion Programme** aims to develop local strategies to ensure maximum participation levels in the education process. It entails targeting individual young people of school going age, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes. The Gender Equality Unit of the Department of Education and Science has requested gender disaggregated statistics on the participants in this initiative.

10.39 Guidance and Counselling

Under the Education Act 1998, schools must ensure that students have access to appropriate guidance to assist them in their educational and career choices. All post-primary schools have an ex-quota allocation for the provision of Guidance and Counselling. Under an initiative introduced in 2001 (***The Guidance Enhancement Initiative***), 103 schools have received additional hours for guidance. This initiative has three strands:

- to increase the take up by students of science subjects
- to target disadvantaged students
- to create links with local industry and enterprise

10.40 Alleviation of Educational Disadvantage

A wide range of measures (approximately 60) have been introduced aimed at addressing disadvantage. These range from early education, through primary and second level to further education and to those with specials needs. The ***National Educational Psychological Service*** has been expanded to include primary schools and a Government decision has allowed it to accelerate its recruitment programme with a view to reaching its full staffing target of 200 by the end of 2002.

A White Paper on Early Childhood Education ***"Ready to Learn"*** sets out the Government's policy in relation to the development and implementation of a comprehensive early education policy. It focuses on policy and research, a support strand and targeted funding for key target groups.

In 2001, a new strategy to tackle educational disadvantage was launched. The strategy has three main platforms - a new statutory ***Educational Disadvantage Committee,*** a larger Forum to address Educational Disadvantage and the appointment of an acting Director of Programmes to tackle disadvantage in the country's 3,159 primary schools. The Educational Disadvantage Committee - provided for in the Education Act, 1998 - will advise the Minister for Education and Science on policies and strategies to be adopted to identify and correct educational disadvantage.

10.41 Literacy

Participation on adult literacy programmes has increased from 5,000 in 1997 to the current number of 23,973 (2002/2003) of which 14,487 are women (60%). A TV adult literacy and awareness programme started on National Television (12 weeks x 30 minute programmes) on 26 September 2000 and ran until December 2000. It was broadcast each Tuesday night and repeated next day. An average of 155,000 per week watched the programme. An evaluation study has been published, which attests to the success of the initiative in widening access to a mass audience and to feedback on improved literacy skills. Based on this success, a further TV series started in September 2001 and is being shown three times per week. A free-phone help line and support materials will also supplement this TV programme. Videos of the first TV series have been distributed to literacy schemes, Youthreach/Traveller and VTOS centres, public libraries and video outlets. A series of 20

literacy programmes and 20 numeracy programmes was broadcast on Radio, featuring more basic levels of tuition. It is supported by learner resource packs and a free-phone help line operated by the National Adult Literacy Agency (NALA).

10.42 Other developments in this area include:

1. Launch of a directory of adult literacy services;
2. Implementation of nationally certified in-service programmes at national certificate and diploma level for adult literacy organisers and tutors;
3. Development and piloting of a quality framework for the adult literacy services under a Socrates Transnational initiative;
4. Ongoing work of the Interdepartmental Group on Literacy for the Unemployed;
5. Strengthening of the adult literacy referral networks;
6. Appointment of a national co-ordinator for adult literacy, based in the **National Adult Literacy Agency**;
7. Research has been commissioned by the **National Adult Literacy Agency** on the development of an assessment framework for the adult literacy service for initial diagnosis of literacy levels and monitoring of learners progress; and
8. A four country working group representing Ireland, UK, Denmark and Portugal has reported on literacy issues to EU Ministers for education, training and employment to promote co-operation at a European level in tackling this aspect of basic skills.

In relation to workplace literacy, tutors have been trained by the National Adult Literacy Agency (NALA) and discussions have been held with employer and trade union interests on the availability of the service. A pilot is running successfully in a very large firm in the Dublin area and programmes are running successfully in five pilots in the Local Government sector.

10.43 The Department of Education and Science funds the Adult Literacy and Community Education Scheme which provides funds through the **Vocational Education Committees** to enable disadvantaged adults to pursue adult literacy and community education programmes free or at a nominal cost. Special Literacy Projects such as family literacy groups involving adults and children are running successfully.

Open learning centres are being piloted along with literacy groups for migrant women, Travellers and those with special needs. Literacy through the medium of computers and art are also being expanded throughout the country as well as Literacy through Sign Language for Deaf People and Literacy through the Irish language for Irish speakers.

10.44 Funds will be used to promote innovative approaches in critical areas which will inform the development of a National Literacy Strategy. Under the National Literacy Strategy clients catered for have almost trebled from 5,000 to 14,591 in 2001. They are accommodated in over 500 venues. 2,830 literacy students are receiving some of their training by computer. A number of clients have moved from 1:1 volunteer tuition to group tuition. There are now 9,804 tuition groups.

Based on a NALA pilot programme and with the co-operation of FÁS and Community Employment Scheme workers and sponsors, a return to education course has been developed. This allows people on Community Employment Schemes to spend half their time in the work placement and half the time on literacy tuition and due to its success is now being expanded nationally. It is currently in 33 areas.

To inform the development of a National Literacy Strategy, a working group will be convened to make recommendations on a framework for development of the overall

literacy strategy, development of national quality standards, standardised funding mechanisms and administrative supports.

10.45 Funding was provided in 2001 for the Special Initiatives for Disadvantaged Adults Scheme (SPIDAS). Grant aid will be provided towards the running costs of adult education organisations.

10.46 Workplace literacy schemes are in place for workers in the licensed trade with the co-operation of the Licensed Vintners Association and in five local authorities with the co-operation of the Local Government Services Board.

10.47 €203,158 has been provided annually over the period of the National Development Plan (2000-2006) to provide start-up grants of €6,348 to schools to provide for self-funded adult education classes.

10.48 Adult Guidance

The Adult Education Guidance Initiative (AEGI) reflects a priority identified in the White Paper on Adult Education "***Learning for Life***". The White Paper highlighted the need to invest systematically in the provision of core support services for adults returning to education, including the development nationally of a guidance and counselling service. The Adult Educational Guidance Initiative, funded by the Department of Education & Science, with the assistance of the European Social Fund, forms part of the National Development Plan (2000-2006). ***The National Centre for Guidance in Education (NCGE)*** has been given the lead role in providing technical support for the initiative to support the projects in developmental, monitoring and evaluation activities. Eleven pilot projects under the AEGI commenced in September 2000 throughout the country. The projects aim to provide a quality adult educational guidance service to participants in VTOS, Literacy and other adult and community education programmes.

The second phase of pilot projects commenced in September 2001. In this phase, eight projects are funded, giving priority to the development of the service in geographic regions other than those represented in existing pilot locations. The third phase commenced in 2002 with projects in eight new areas.

10.49 Further Education Programmes

Another important element is the provision of alternative ladders of progression for students through further education and training programmes, ranging from Youthreach to post-Leaving Certificate courses (PLCs).

10.50 Youthreach

Students who do not wish to stay on in second level may avail of the educational opportunities offered by the Youthreach programme. Basic skills training, practical work training and general education are major features of this programme.

The ***Further Education, Training and Awards Council (FETAC)***, a single statutory awarding body for further education and training, will greatly extend opportunities for access, transfer and progression for learners.

The ***Junior Certificate School Programme***, which was introduced in 1996/97, is now available in 125 post primary schools.

(g) the same opportunities to participate actively in sports and physical education.

10.51 Implementation of the Government's policy on sport is a function of the **Department of Arts, Sport & Tourism**. It is the Department's policy to avoid bias between the sexes in the promotion of sport and, where deemed necessary, to discriminate positively in favour of women's participation. In recent years there has been a dramatic increase in the number of women involved in sport at competitive, administrative and fun levels. A Physical Education Grant for all Primary schools was introduced in 2000.

10.52 The Code of Ethics and Good Practice for Children's Sport in Ireland has been drawn up and is implemented by the Irish Sports Council. The Code is designed to provide guidance for those working with young sports people, both male and female. It outlines the type of issues that need to be addressed by sports organisations to provide the safest and most enjoyable environment for young sports people.

10.53 In this regard, work by the Irish Sports Council includes:

- delivery of workshops through the local sports partnerships to highlight the issues within the Code of Ethics and Good Practice for Children's Sport;
- training of National Children's Officers within each governing body of sport to facilitate the delivery of the Code to grassroots through their affiliated clubs;
- training of local coaches, parents and leaders in relation to child protection in conjunction with the local health boards;
- training of sports tutors to deliver a new coach education module for young people. This aims to highlight the benefits of sport for young people and the ways in which adult leaders can modify sport so it suits the needs of all young people.

(See also commentary under Paragraph 13.9)

(h) access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The following educational programmes have been introduced:

10.54 Primary Education

Social, Personal and Health Education (SPHE) is included as a subject in the Revised Primary School Curriculum. The content of the SPHE curriculum is presented in three strands, *Myself, Myself and others* and *Myself and the wider world*.

The key characteristics of the curriculum are that SPHE:

- is a lifelong process
- is a shared responsibility, between family, school, health professionals and the community
- is a generic approach
- is based on the needs of the child
- is spiral in nature
- is developed in a combination of contexts
- engages children in activity-based learning

It is recommended that SPHE be provided in a combination of ways within the school:

- a positive school climate and atmosphere, which fosters the health and well being of all members of the school community
- discrete SPHE time
- an integrated approach, allowing for aspects of SPHE to be dealt with in the context of relevant subject areas.

Second Level Education

10.55 Junior Cycle

Curricular guidelines for SPHE in the Junior Cycle of post-Primary schools have been developed by the National Council for Curriculum and Assessment and circulated to all post-primary schools by the Department of Education and Science. All schools must provide SPHE for students in junior cycle (age 12-15 years).

Ten modules are outlined:

- belonging and integrating
- self-management
- communication skills
- physical health
- friendship
- relationship and sexuality
- emotional health
- influences and decisions
- substance use
- personal safety

A Support Service has been put in place to introduce and implement SPHE at Junior cycle level. It is being developed in partnership with the Department of Education and Science, the Department of Health and Children and the Health Boards.

10.56 Senior Cycle

The National Council for Curriculum and Assessment has commenced developing guidelines for SPHE at Senior Cycle. Many schools are already providing SPHE programmes at Senior Cycle level using the resources available for Junior Cycle and also RSE (Senior Cycle) resources. The programmes *BALANCE – Who cares?* and *Exploring Masculinities* are programmes in personal and social development which include gender equality issues, including violence against women.

ARTICLE 11

1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) the right to equal remuneration, including benefits, and equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination on the basis of marital status;

(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.1 The **Employment Equality Act, 1998** prohibits discrimination in relation to employment on the basis of gender.

11.1.1 On acceding to this Convention, Ireland entered the following reservation in relation to Article 11.1.

> Ireland reserves the right to regard the Anti-Discrimination (Pay) Act 1974 and the Employment Equality Act 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of Articles 11.1 (b), (c) and (d).

It was considered prudent to enter such a reservation because, while the two Acts quoted above complied with European Community standards, the 1977 Act did not provide women with a blanket right to the same employment opportunities as men.

11.1.2 Section 12 of the Employment Equality Act 1977 as amended by the European Communities (Employment Equality) Regulations, 1985, provided that the Act did not apply to (a) employment in the Defence Forces or (b) employment which consists of the performance of services of a personal nature, where the sex of an employee constitutes a determining factor.

Section 17 of the 1977 Act, as amended by the European Communities (Employment Equality) Regulations, 1985, provided that the Act did not apply (a) where the sex of the person is an occupational qualification or (b) to posts in the Garda Siochána (Police Force) and Prison Service on the grounds of privacy and certain specific duties.

11.1.3 The Employment Equality Act 1998, which came into operation on 18 October 1999, repealed and replaced the Employment Equality Act 1977 and the Anti-Discrimination (Pay) Act 1974. A significant amendment is the application of the Employment Equality Act 1998, to employment in the Defence Forces.

11.1.4 With regard to the Defence Forces, women are eligible for service in the Army, Air Corps, Naval Service and in the Reserve Defence Force and to compete for all appointments on an equal basis and under the same general conditions as men. They undergo the same training and receive the same military education as their male counterparts. The basis of selection is suitability rather than gender and there are no gender quotas. The Defence Forces are committed to the full participation of women in all aspects of Defence Forces activity. While the number of women joining the Defence Forces is lower than the number of men, this reflects the much greater number of male applicants for entry to the Forces. For example, applicants for general service enlistment are currently some 89.2% male as against 10.8% female. 10.3% of the personnel enlisted for general service in 2001 were women. On 31 October 2002 approximately 28% of the combined 2nd Line Reserve Defence Force (FCA/An Slua Múirí) were women.

11.1.5 The question of withdrawing the reservation to Article 11 was considered in view of changes which the Employment Equality Act 1998 had made to earlier legislation which provided for a limited number of exclusions from the general prohibition of discrimination. Prior to the enactment of the Employment Equality Act 1998, these exclusions had been examined in the context of a general review of employment equality legislation. As a result of that review, modified exclusions were incorporated in the Employment Equality Act 1998. However, the fact that the Employment Equality Act 1998 does provide for exclusions makes removal of this reservation problematical as Article 11(1) of the Convention makes no provision for exclusions.

The exclusions in the Employment Equality Act 1998 are currently under review in the context of the transposition into national law of new EU Directives.

11.2 Female Labour Force Participation

11.2.1 Ireland's economic boom is a driving force in addressing obstacles to women's participation in the labour market, particularly in skilled employment. The need to ensure continued economic growth is putting the employment of women centre stage.

11.2.2 In Ireland, the unemployment rate has been falling over the last few years from an annual average of 12.1% in 1995 to 4.6% in June-August 2002. The female unemployment rate has fallen from a rate of 10.8% in the last quarter of 1997 to 4.3% at June-August 2002. The female long term unemployment rate was 0.6%.

11.2.3 Since the enactment of equality legislation in the 1970s the labour force participation rate of married women has increased significantly, from 7.5% in 1971 to 48.1% in 2002. The overall participation rate for women in 2002 was 48.8%.

11.2.4 Between 1997 and 2002, the female labour force grew from 601,700 to 771,300, an increase of 28%. In the same period the number of women actually at work increased from 539,700 to 702,500, an increase of almost 30.2%. The female participation rate increased from 41.4% in 1996 to 48.9% in 2002 and is approaching the EU target of 57% by 2005. In mid April 1996, almost 41% of females aged 15 and over described themselves as being on home duties while this figure declined to 35% in 2002. Between 1996 and 2002 the female participation rate for women over 50 increased from 16.3% to 22.7%, an increase from 77,000 to 120,600 women in that age group in the labour force.

11.2.5 The number of women in the Labour Force who classified themselves as having an agricultural occupation in 2002 was 11,900 or 1.6% of the female labour force, compared with 2.7% in 1993.

11.2.6 The Irish farm sector is dominated by owner operators. Farming is statistically an overwhelming male occupation. The 1991 Census of Population recorded farmers as being 91% male while the corresponding figure in April 2002 was 94%, according to the Quarterly National Household Survey.

The following tables provide statistical information on the participation of men and women in the labour force:

Table 11.1
Estimated population aged 15 years and over (ILO) classified by economic status and sex, 2002

ECONOMIC STATUS	SEX	2002
		Thousands
IN THE LABOUR FORCE		
Numbers in labour force	Male	1,066
	Female	761
	Total	1,827
Participation rate	Male	70.4%
	Female	48.8%
	Total	59.4%
NOT IN THE LABOUR FORCE		
Numbers not in labour force	Male	447.7
	Female	799.9
	Total	1,247.6
Unemployment rate	Male	4.6%
	Female	3.7%
	Total	4.2%
POPULATION AGED 15 YEARS AND OVER		
	Male	1,513.7
	Female	1,560.9
	Total	3,074.7

Source: CSO

Table 11.2
Female Participation Rates by Marital Status

MARITAL STATUS	2002
	%
Single	62.7
Married	47.6
Separated/Divorced	58.6
Widowed	9.8
TOTAL	50.2

Source: CSO

Table 11.3
Female Participation Rates by Age Group

AGE GROUP	2002
	%
15 - 19	32.1
20 - 24	74.1
25 - 34	75.7
35 - 44	65.0
45 - 54	56.8
55 - 59	39.2
60 - 64	22.4
65 and over	3.0
TOTAL	50.2

Source: CSO

Table 11.4
Persons in employment by economic sector (2002)

Economic Sector	Male	Female	Total
	Thousands		
Agriculture, forestry and fishing	108.4	12.4	120.8
Other production industries	213.1	89.8	302.9
Construction	172.3	8.8	181.1
Wholesale and retail trade	125.0	120.8	245.8
Hotels and restaurants	44.7	60.1	104.8
Transport, storage and communication	81.4	28.8	110.2
Financial and other business services	114.0	115.1	229.1
Public administration and defence	48.2	41.0	89.2
Education	33.8	76.2	110.0
Health	31.2	125.8	157.0
Other services	45.1	53.9	99.0
TOTAL	1017.2	732.7	1749.9

Source: CSO

(a) the right to work as an inalienable right of all human beings.

11.3 The right to work or to earn a livelihood, as a personal right, has been identified in the Irish Courts as existing in the guarantees of Article 40.3.1 of the Irish Constitution which states that the State "guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen". Article 45.2.1 provides that the State shall, in particular, direct its policy towards securing: *That the citizens (all of whom, men and women equally, have the right to an adequate means of livelihood) may through their occupations find the means of making reasonable provision for their domestic needs.*

11.4 In Ireland, "Sustaining Progress" is the latest national agreement between the Government and the Social Partners and is the successor to the previous national agreement

"Programme for Prosperity and Fairness". A central theme of "Sustaining Progress" is the building of a fair and inclusive society and to ensure that people have the resources and opportunities to live life with dignity and have access to quality public services that underpin life chances and experiences. Agreed objectives and details of actions already underway or proposed are set out in relation to poverty and social inclusion, health and addressing health inequalities, equality, access to quality public services and the challenge of delivering a fair and inclusive society.

There are formal monitoring arrangements for the Agreement. In addition, a Government Committee on Social Inclusion provides a strategic focus on tackling the problems of social exclusion, alienation and disadvantage.

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

11.5. Employment Equality Act 1998

11.5.1 The Employment Equality Act 1998, which came into operation on 18 October 1999 repealed and re-enacted the Employment Equality Act 1977 and the Anti-Discrimination (Pay) Act, 1974. The 1998 Act prohibits discrimination in relation to employment on nine grounds, namely: gender, marital status, family status, disability, race, age, religious belief, sexual orientation and membership of the Traveller community. The Act is comprehensive and deals with all areas relevant to employment including access to employment, conditions of employment, remuneration, promotion and vocational training. It also applies to certain vocational bodies namely organisations of workers or employers and organisations which control entry to or the carrying on of a profession, vocation or occupation.

11.5.2 In terms of gender equality, the Act allows an employer to put in place positive action measures to promote equal opportunities, particularly those geared to removing existing inequalities which affect women's opportunities in access to employment, vocational training and promotion. This is a significant development on the 1977 Act which confined positive action measures to training.

11.5.3 The Act defines sexual harassment for the first time in Irish law. It outlaws sexual harassment in the workplace and in the course of employment whether by an employer, another employee or by clients, customers or business contacts of an employer. It also provides that different treatment of a person in the workplace or in the course of employment, because of rejection or acceptance of sexual harassment, whether in the workplace, in the course of employment or outside the workplace, constitutes discrimination on the gender ground. The Act extends protection against discrimination in relation to employment to the Defence Forces for the first time in Irish law.

11.5.4 The equal pay provisions in the Act have been broadened by comparison with the 1974 Act by the removal of the requirement that the comparator be employed in the same place as the claimant and the Act codifies for the first time in Irish law indirect discrimination so far as remuneration is concerned.

11.5.5 The Act also allows for the provision of special beneficial treatment of women in connection with pregnancy and maternity or adoption. Certain benefits made available by an employer in respect of family members or based on family events are permissible under the legislation for example, a

benefit intended directly to provide or assist in the provision, during working hours, of care for a person for whom the employee has responsibility as (a) a parent or (b) as a resident primary carer of a person with a disability e.g. subsidised childcare.

11.5.6 The Act also provided for the establishment of the Equality Authority, which replaced the Employment Equality Agency, to work towards the elimination of discrimination and the promotion of equality of opportunity. In addition, the Act provided for the establishment of a new redress body - the Equality Tribunal (formerly the Office of the Director of Equality Investigations) - to which a complaint can be referred to in the first instance, in the majority of cases. Dismissal cases are referred directly to the Labour Court, and cases involving discrimination on grounds of gender may be referred to the Circuit Court.

11.5.7 The power of the Equality Authority - which is the statutory promotional body established under the Employment Equality Act 1998 - to conduct equality reviews and draw up equality action plans will ensure the development of a pro-active equality conscious approach to equal opportunity in the workplace.

11.6 Part-Time Workers

The Protection of Employees (Part-Time Work) Act, 2001 which transposed the provisions of the European Part-Time Work Directive came into operation on 20 December 2001. The Act provides, inter alia, that a part-time employee, as defined in the Act, cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment. The purpose of the Act is also to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and employees.

11.7 Other Positive Action Initiatives

The ***Equality for Women*** measure in the National Development Plan provides funding, for the period 2000-2006, to projects, including proposals aimed at addressing the glass ceiling and horizontal segregation in the labour force. The Equality for Women measure supports proposals designed to promote:

- access to employment, education and training, retraining and up-skilling;
- encouraging entrepreneurship and career development among women;
- innovative actions for disadvantaged women and older women;
- gender proofing of personnel policies and practices, by means of the Equality Reviews and Action Plans Scheme, which is being implemented by the Equality Authority;
- family friendly policies in employment and sharing family responsibilities;
- research and information campaign for women returning to paid employment.

11.8 In accordance with the National Development Plan, childcare facilities are being developed and expanded, in both private and community sectors, with a total budget of some €436 million, inclusive of the funding of over €317 million allocated under the National Development Plan.

The Commentaries under Articles 2, 5 and 7 refer to positive action measures in the civil service and public sector.

11.9 The Gender Pay Gap

Regular statistics on the gender pay gap are not available for Ireland. Quarterly wage statistics are produced by the Central Statistics Office for manufacturing industry but this figure cannot be relied on to give an economy-wide picture as only 20% of working women are employed in this sector. The latest economy-wide data on the matter was published by the Economic and Social Economic Institute in 2000 using 1997 data from the European Household Panel. This publication, *How Unequal?- Men and Women in the Irish Labour Market*, shows that Ireland had a gender pay gap of 15.5% at that time. Approximately two-thirds of this gap (or 10%) can be explained by factors such as age, labour market experience or education. The largest single cause of the wage differential was time spent by women out of the workforce caring and rearing children. The unexplained portion of the gap stood at around 5%. Preliminary assessment by the ESRI of wage adjustments in the period 1997 to 2000 shows that the gap has narrowed to 14.7%.

11.10 Initiatives since 2000 likely to positively influence the gender pay gap

A number of recent policy initiatives are likely to have positively influence the gender pay gap in particular the following:

- The increase to €6.35 per hour in the statutory minimum legislation and improvements to Maternity Leave provisions;
- The work of the National Framework Committee on the Development of the Family Friendly Policies at the Level of the Enterprise and the National Framework Committee for the development of Equal Opportunities at the Level of the Enterprise;
- The provision of new crèche places under the Childcare Programme. Provisional figures at December 2002 indicate the creation of 4,162 full-time crèche places and 6,220 part-time places.
- The provision of a new budget in 2002 to fund childcare expenses of FÁS trainees;
- The implementation of a new gender equality policy for the Civil Service involving the adoption at Departmental level of gender targets for promotion to the Assistant Principal Grade;
- The 2002 Leaving Certificate results showed girls achieving better results than boys and that there has been significant improvements in mathematics, physics and science. Ireland recognises that supports are needed to ensure that this picture is not lost at third level or in the workplace. However, at minimum the development must be acknowledged as a positive underlying trend.

11.11 In addition, the Department of Justice, Equality and Law Reform is chairing a Consultative Group on Male/Female Wage Differentials comprising representatives from employers, trade unions and women's organisations, the Equality Authority and relevant Government Departments. This Group is preparing a report to Government on actions needed to address the gender pay gap. The expected completion date for the report is mid 2003. The completion of the report will meet a commitment in the national agreement, the Programme for Prosperity and Fairness.

11.12 The Department of Justice, Equality and Law Reform is also managing a research project on the pay gap which is being co-funded under the EU Gender Equality Programme 2001-5. The project involves four partners - Ireland, Finland Sweden and Northern Ireland - who are examining sectoral strategies to address the gender pay gap. Ireland, Finland and Northern Ireland are looking at the IT and Retail sectors. Sweden and Ireland are looking at the Food sector. In addition, Ireland also included the Local Government sector in its study.

A number of the projects funded by the Department of Justice, Equality and Law Reform under the Equality for Women Measure have addressing the gender pay gap as their objective.

Further details are available from the Measure web site *www.ewm.ie*.

(d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

11.13 The **Employment Equality Act 1998** covers discrimination in relation to access to employment, conditions of employment, equal pay for work of equal value, promotion, training and work experience. These kinds of discrimination are outlawed whether by an employer, an employment agency, a trade union, a professional body, a vocational training body or a newspaper advertising jobs in its careers and appointments pages.

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave on the basis of equality of men and women.

11.14 The Irish social welfare system provides for equal treatment between men and women in relation to access to benefits, conditions for entitlement to benefits and rates of benefits payable.

1(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

States Parties shall take all appropriate measures:

2(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

11.15 Section 26.1 of the Employment Equality Act 1998, includes a saver for special treatment in employment in connection with pregnancy. This section provides that "Nothing in this Act shall make it unlawful for an employer to arrange for or provide special treatment which confers benefits on women in connection with pregnancy and maternity (including breast feeding) or adoption".

11.16 The Maternity Protection Act, 1994 provides that a pregnant employee or an employee who has recently given birth or who is breast feeding shall be granted leave to protect her health and safety, whether because of risk to her in the workplace or arising from night work and where it is not feasible to provide suitable alternative work. For the first three weeks of health and safety leave employees are entitled to receive remuneration from their employers. For the remainder of such leave a social security benefit is payable to eligible employees.

2(a) to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status.

11.17 The Unfair Dismissals Acts, 1977-1995 provide that it shall be unfair to dismiss a worker because of her pregnancy or matters connected therewith or because of the exercise by an employee of her rights under the Maternity Protection Act, 1994. The Employment Equality Act 1998, prohibits both direct and indirect discrimination (including dismissal) on the basis of gender, marital status or family status.

In the case of both of these Acts, appropriate sanctions in the form of reinstatement, re-engagement or compensation can be applied for breaches of their provisions.

2(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

11.18 Maternity Protection Legislation

11.18.1 The Maternity Protection Act 1994 implements the employment rights provisions of the EU Pregnant Workers' Directive (92/85/EEC). The Act provides for an entitlement to 18 weeks maternity leave (which attracts a payment from the Department of Social and Family Affairs subject to the satisfaction of certain social insurance conditions), and 8 weeks additional (unpaid) maternity leave. There is no obligation on an employer to provide remuneration for an employee while on maternity leave.

11.18.2 In accordance with Government commitments to review maternity protection legislation, a *Working Group on the Review and Improvement of Maternity Protection Legislation* was set up in 2000. The *Report of the Working Group on the Review and Improvement of Maternity Protection Legislation* was published on 28 February 2001 (available on website: www.justice.ie.).

11.18.3 On foot of the recommendations of the Working Group, the Maternity Protection (Extension of Periods of Leave) Order 2001 was signed into law on 8 February 2001. This extended maternity leave entitlements to the current levels of 18 weeks (previously 14 weeks) maternity leave (attracting payment) and 8 weeks (previously 4 weeks) additional (unpaid) maternity leave, respectively.

11.18.4 The other recommendations of the Working Group remain to be implemented. These will further enhance statutory entitlements in relation to maternity protection including provision of:

- paid time off work for both parents to attend ante-natal classes;
- the period of additional (unpaid) maternity leave to count for accrual of employment rights including annual leave; and;
- provision of either breastfeeding facilities/facilities to express breastmilk or reduction of working hours for breastfeeding mothers up to 4 months after the birth.

11.18.5 Implementation of these recommendations will necessitate the drafting of primary legislation and/or subsequent regulations. In this regard, Government approval was obtained on 17 July 2002 for the drafting of a Bill to give effect to the remaining recommendations of the Working Group. The Minister for Justice, Equality and Law Reform hopes to be in a position to publish the Bill in early 2003.

11.19 Adoptive Leave Act, 1995

The Adoptive Leave Act 1995, which came into force on 20 March 1995, was introduced to provide leave similar to maternity leave for an adoptive mother (or sole male adopter) after placement of a child into her/his care. On 19 December 2000, the previous Government granted approval to amend the Adoptive Leave Act to reflect, where appropriate, the proposed changes to the Maternity Protection Act 1994 arising from the Review of that Act. In line with the Working Group's recommendation to increase maternity leave and additional (unpaid) maternity leave, identical increases (4 extra weeks of both adoptive and additional (unpaid) adoptive leave) were simultaneously applied to the adoptive leave entitlement with effect from 8 March 2001. Consequently, the current adoptive leave entitlement is 14 weeks adoptive leave and the option of

availing of 8 weeks additional (unpaid) adoptive leave. In the case of a foreign adoption, some or all of the 8 weeks additional adoptive leave may be taken before the day of placement.

Legislative proposals on the application of the remaining Maternity Review recommendations to adoptive leave, where appropriate, are currently being formulated in the Department with a view to bringing them to Government in early 2003.

2(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.

Development and delivery of the National Childcare Strategy

11.20 Equal Opportunities Childcare Programme 2000-2006

The Department of Justice, Equality and Law Reform was given the lead role, by the Government, for the development and delivery of the National Childcare Strategy through the Equal Opportunities Childcare Programme 2000-2006.

Childcare is identified as a priority in the National Development Plan which is co-funded by the Exchequer and the European Union. The total funding available to the Department of Justice, Equality and Law Reform for the development of childcare is €436.7 million over the period 2000-2006 of which a maximum of €170.1 million will be provided by the EU through the European Regional Development Fund and the European Social Fund.

The Equal Opportunities Childcare Programme facilitates the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education.

The principal aims of the Programme are:

- To improve the quality of childcare in Ireland
- To maintain and increase the number of childcare facilities and places
- To introduce a co-ordinated approach to the delivery of childcare services

{Note: The term childcare is used to describe group based childcare services covering day-care facilities and services for pre-school aged children and for school going children out of school hours (e.g.: pre-schools, day care centres, crèches, play groups, individual childminders and after-school groups).}

The Programme provides capital grant assistance to community/not for profit organisations and to private childcare providers to increase the supply of childcare places or enhance the quality of existing places. It offers staffing grants to community based/not for profit organisations which have a focus on disadvantage and offers supports to the National Voluntary Childcare Organisations and to other groups which are working to improve the quality of childcare in Ireland.

11.20.2 Details of Funding Measures

The Programme operates under three sub-measures to meet its aims by providing grant assistance for capital developments, for staffing support in disadvantaged areas and for quality improvement. Details of some of the measures are outlined below:

- Capital grant assistance for childcare service providers - private, self-employed and community based/not for profit.
- Staff grant assistance for community based/not for profit organisations in areas of significant disadvantage.
- Grant assistance to national voluntary organisations and to County Childcare Committees to improve the quality of childcare in Ireland.
- Quality Improvement measures for local childcare networks, National Voluntary Childcare Organisations, National Childminders Initiative and innovative projects.

11.20.3 Funding allocated to date

The total funding committed under the Programme from its commencement at the start of 2000 to 31 December 2002 was €174.9 million. This included:

- Funding of €153.8 million which has been committed to 1,493 applicants in respect of childcare service provision.
- Funding totalling over €21 million has also been approved under the Quality Improvement measures.

The table below outlines the funding allocated to Capital and Staffing measures and gives details of the estimated number of childcare places supported by the funding.

Table 11.5
Approvals supporting the provision of childcare places under EOCP 2000 - 2006
Period from start of Programme in 2000 to 31 December 2002

Measure	No. of Projects Approved	New Places Created	Existing Places Supported	Amount Committed (€)
Capital - Self Employed/Private Provider - Total	500	8,448	6,074	16,312,658
Capital - Community - Total*	387	6,725	6,243	65,057,709
Staffing - Community - Total**	606	5,290	9,986	72,508,043
Total	1,493	20,463	22,303	153,878,410

* Places supported by funding - Capital related projects only including Out-of-school hours funding applications.
** Places supported by funding - Staffing related projects only including Out-of-school hours funding applications.

These grants are usually paid over a three-year period.

11.21 Enhancing childcare quality and delivery

In addition to the funding provided directly to the National Voluntary Childcare Organisations to support quality awareness among childcare providers, the Department of Justice, Equality and Law Reform takes a proactive approach to the development of the quality of childcare in Ireland both through the Programme itself and through structures established at national and local level.

11.22 National Co-ordinating Childcare Committee (NCCC)

The National Co-ordinating Childcare Committee's principal role is to oversee the development of a childcare infrastructure in an integrated manner throughout the country. It is chaired by the Department of Justice, Equality and Law Reform and membership comprises representatives of the statutory and non-statutory sector, including the Social Partners and Regional Assemblies. The NCCC provides a productive forum for discussion and exchanges of views on key policy issues among the key players involved in the childcare sector.

A number of Subgroups to the NCCC have been established to take a proactive approach to the specific areas of concern e.g. Childminding, Childcare Training, School Age Childcare and Equality & Diversity.

- **Childminding**: A Working Group has been established to examine the particular needs of the childminding sector in Ireland.

- **Childcare Training**: The Certifying Bodies Sub-Group has developed a Model Framework for Education, Training an Professional Development in the Early Childhood Care and Education Sector and work is ongoing.

- **School Age Childcare:** The Working Group is preparing proposals for the development of school age childcare services on a year round basis.

- **Equality and Diversity:** The Advisory Sub-group (for children with Special Requirements and Minority Ethnic Groups including Travellers) is currently developing practical guidelines for parents and practitioners for the inclusion of equality and diversity in practise.

11.23 County and City Childcare Committees The National Childcare Strategy has assigned the County/City Childcare Committees as the key local components in the development of a co-ordinated approach to quality childcare. Their strategic focus is to advance the provision of quality childcare facilities and services within their designated local areas. The role and function of County Childcare Committees is in addition to other existing support and advisory services (Statutory and Non Statutory) and is expected to reinforce, enhance and provide a co-ordination mechanism at local level.

The Department has established County and City Childcare Committees throughout Ireland and each Committee has submitted a five year Strategic Plan for the development of childcare services to address the specific needs of its own specific area and an annual action plan to implement its strategy.

Financial support for the County/City Childcare Committees and for the implementation of their Annual Action Plans is being made available from Sub-measure 3 - Quality Improvement of the Equal Opportunities Childcare Programme 2000-2006.

Family-Friendly Employment Policies

11.24 Family-Friendly Initiatives

11.24.1 The difficulty of combining work and family responsibilities is one of the major obstacles in the way of achievement of equality between men and women in the labour market. Because women undertake most of the responsibility for childcare and work in the home, they frequently find themselves unable to take full advantage of employment opportunities. Policies to enable women and men to combine work and family commitments and to promote a more equal sharing of family responsibilities between the sexes are needed to enable women to achieve a sustained rise in employment during their life cycle.

The Department of Justice, Equality and Law Reform is the lead partner in an international project co-funded by the EU under the Community Framework Strategy on Gender Equality (2001-2005). The objective of the project is to develop a work life balance strategy for the North West region of Ireland which sets out practical guidelines and targets for identified sectoral interests, organisations and groups. The strategy will be developed through research and by

drawing on models of good practice developed by the project partners. The other partners in the project are the SpringBoard Management Group from Sweden, the Foyle Trust from Northern Ireland, the North Western Health Board and local partners based in County Donegal. The project is of 15 months duration and commenced in December 2002.

11.24.2 Parental Leave Act, 1998

The Parental Leave Act 1998 came into operation on 3 December 1998. The Act implements the Parental Leave Directive (96/34/EC) and provides an individual and non-transferrable entitlement to both parents to 14 weeks unpaid leave from work to take care of young children. The leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The Minister for Justice, Equality & Law Reform announced the commencement of a review of the Parental Leave Act 1998 on 28 February 2001. A Working Group comprising the social partners, relevant Government Departments and the Equality Authority was established to carry out the review. The Group concluded the review on 29 November 2001 and the Report of the Working Group on the Review of the Parental Leave Act 1998 was published on 29 April 2002. As part of the review, research was commissioned on the uptake of parental leave and *force majeure* leave and on attitudes of both employers and employees to the provisions of the Act. The findings of the research were taken into account during Group deliberations and a summary of the findings were included in the appendices of the report. The findings of the research and the Report of the Working Group are available on the Department's web site - www.justice.ie.

The recommendations of the Working Group are being examined in detail by the Department at present with a view to bringing forward concrete proposals to Government.

11.24.3 Carer's Leave Act, 2001 & Carer's Benefit

The Carer's Leave Act 2001, which came into force on 2 July 2001, provides a new entitlement for employees to unpaid carers leave to enable them to care personally for persons who require full-time care and attention. Subject to fulfilling the specific requirements laid down in the Act, an employee is entitled to a maximum of 65 weeks unpaid leave in respect of the care of any one relevant person. The leave is for the purpose of personally providing full-time care to a person who is objectively assessed by the Department of Social and Family Affairs (by deciding officers under the *Carer's Benefit Scheme)* as being in need of full-time care and attention (a "relevant person"). Only one employee is entitled to carers leave in respect of a particular person at any one time. The 65-week entitlement may be taken as a continuous period, or in separate unit periods, the aggregate duration of which does not exceed 65 weeks. An employer may, on reasonable grounds, notify an employee in writing, of his/her refusal to grant carers leave for any period of less than 13 weeks.

The Social Welfare Act 2000 introduced a new Carer's Benefit Scheme which provides for the payment of Carer's Benefit to persons who comply with the specific requirements laid down in the Act. An employee may qualify for Carer's Leave even if he/she does not qualify for Carer's Benefit. Similarly, an employee may qualify for Carer's Benefit but not Carer's Leave.[2]

The Act is a further recognition of the important role played by carers in our society and the need to continue to provide support and practical assistance to those carers. This particular piece of legislation allows workers to make the temporary choice of becoming a carer without loss of employment and where possible care recipients may be cared for in the home. The

[2] Where an employee is not entitled to Carer's Benefit, they may be entitled to Carer's Allowance subject to a means test - *Carer's Benefit - Department of Social and Family Affairs Leaflet, SW49.*

implementation of the Act delivers on the undertaking given by the Government in the Programme for Prosperity & Fairness.

11.24.4 National Framework Committee for the Development of Family-Friendly Policies

Family-friendly working arrangements at organisation level benefit workers so that they can effectively combine work and family responsibilities, as well as their personal life. Such working arrangements also facilitate equality of opportunity for men and women in the workplace. Employers benefit because the working arrangements can help retain and attract new staff when vacancies arise and they can also help to facilitate improved customer service.

The Government is committed to the development of family friendly policies through appropriate legislative measures (such as the new carer's leave), its contribution to the work of the National Framework Committee and as an employer.

The National Framework Committee was established under the Programme for Prosperity and Fairness to support and facilitate family-friendly policies in the workplace. The National Framework Committee is chaired by the Department of Enterprise, Trade and Employment and the membership of the Committee is drawn from representatives of employers, trade unions and the Department of Finance, representing public sector employers, as well as the Departments of the Taoiseach, Social and Family Affairs and Justice, Equality and Law Reform and the Equality Authority. Funding for the work of the Committee is provided under the National Development Plan.

The mandate of the National Framework Committee is to disseminate information, to develop guidelines drawing on best practice, to identify any potential barriers to the provision of family-friendly policies and suggest solutions, to provide training and to undertake research. The Committee has undertaken a number of initiatives in order to raise awareness and support the development of family friendly working arrangements. These include:

- A Family-Friendly Workplace Day held on 1 March each year.
- A new interactive web site, www.familyfriendly.ie, was launched and an information brochure published. The web site, in particular, provides a significant resource for employers, employees and trade unions seeking information on family-friendly working arrangements.

The National Framework Committee will commission research on the prevalence of family-friendly working arrangements, which will provide a baseline to assess the development of family-friendly working arrangements.

3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.25 Following a comprehensive review of the Safety, Health and Welfare at Work Act, 1989, which was conducted by the tripartite Board of the Health and Safety Authority and which included public consultation, proposals to strengthen and update the 1989 Act were developed by the Department of Enterprise, Trade and Employment.

The principal changes which it is proposed to make to the Safety, Health and Welfare at Work Act, 1989 are as follows:

- An increase in the penalties, both on summary conviction and on conviction on indictment, applying under the Act;
- Amendment, reform and update of the 1989 Act, subsidiary regulations and other statutory provision on worker safety and health;
- Further provision as regards training in occupational safety and health;
- Strengthening of the requirements as regards the safety statement required under the 1989 Act;
- Further provisions strengthening the role of safety representatives in places of work;
- Miscellaneous other provisions.

The purpose of the Safety, Health and Welfare at Work Bill 2002 is

- to build on the success of the existing Act by strengthening the legal provisions that have worked well; and
- to introduce new provisions where a need has been identified.

The cumulative effect of this will be to send a strong message to employers and employees for the need for better preventative action and better compliance and, in so doing, to aim to reduce the number of workplace accidents and fatalities and to protect the competitiveness of Irish businesses.

A draft Safety, Health and Welfare at Work Bill is expected to be available in April/May 2003 after which Government approval to publish will be sought.

ARTICLE 12

(1) ***State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.***

(2) ***Notwithstanding the provisions of paragraph 1 of this Article, State Parties shall ensure women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.***

(1) ***State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.***

12.1 The health services in Ireland account for a significant share of Government expenditure. Exchequer gross provision for health services was €7.1 billion in 2001 or 25.7% of all gross provision. Of this, €374 million was provided for capital expenditure.

12.2 The national plan for women's health, ***A Plan for Women's Health 1997-1999***, published in April 1997, is the blueprint for improving and developing health care services for women in Ireland. The Plan was the result of a unique process of consultation with women which commenced in June 1995, following the publication of the Discussion Document "***Developing a Policy for Women's Health***".

12.3 The Plan for Women's Health identifies the action to be taken by health boards in regional plans to improve health services in relation to women. These are:

- to maximise the health and social gain of Irish women,
- to create a women friendly health service,
- to increase consultation and representation of women in the health services,
- to enhance the contribution of the health services to promoting women's health in the developing world.

12.4 Each Health Board prepared a regional plan for women's health based on the National Plan. The Plan provided a commitment to action in relation to each of the following 12 areas:

- Information for Health
- Choosing the Healthier Lifestyle
- Combating Disease
- Reproductive Health
- Violence Against Women
- Promoting Mental Health
- Women who contracted Hepatitis C from the Anti-D Blood Product
- Women with Special Needs
- Women's Health in the Developing World
- Consultation
- Representation
- Creating a Woman-Friendly Health Service

12.5 To ensure full consultation with women in the future ***A Plan for Women's Health*** provided for the establishment of a ***Women's Health Council***. The Council was established by Statutory Instrument in June 1997 and has five main functions:

(1) Advising the Minister for Health and Children on all aspects of women's health.
(2) Assisting the development of national and regional policies and strategies designed to increase health gain and social gain for women.
(3) Developing expertise on women's health within the health services.
(4) Liaising with other relevant international bodies which have similar functions as the Council.
(5) Advising other Government Ministers at their request.

The Council is representative of a wide range of interests concerned with women's health, including the National Women's Council of Ireland, members of the professions closely involved with women's health, women in the labour force and service providers.

In September 2002, the Council published its report on the implementation of the Plan and made proposals for future action such as the hosting of a national forum of all stakeholders to identify principles and parameters for future action.

12.6 The Government has recently published a new Health Strategy — *Quality and Fairness: A Health System for You*. Based on the principles of equity, people-centredness, quality of care and accountability, this Strategy is a plan to guide policy makers and service providers in achieving the vision of a future health system. It identifies overall national goals to guide activity and planning in the health system for the next seven to ten years. Existing policy approaches to women's health are fully endorsed in the strategy.

12.7 The review of the National Anti-Poverty Strategy (NAPS) includes key targets in relation to reducing health inequalities. These relate to reducing, by 10% by 2007, the difference between the highest and lowest socio-economic groups in premature mortality and low birthweight, and reducing the difference in life expectancy between Travellers and the general population by 10% over the same period. The Framework document for the Review and the Report of the Working Group on NAPS and Health, on which it is based, set out in more detail the measures for achieving the targets. Among the measures is one to integrate an equality dimension into the health and personal social services with a focus on issues such as provision of culturally sensitive information and health education materials; awareness and sensitivity training for staff; agreed equality status protocols and codes of practice and equality impact assessment of policies. The focus is to be on the nine grounds covered by the Equal Status legislation which include gender, membership of the Traveller community and race. The measure states that "in the context of a multi-cultural society there will be a particular attention to issues of ethnicity and racism". This measure is to be implemented in conjunction with the Equality Authority and a preliminary meeting has been held between the Department of Health and Children and the Equality Authority in this regard.

12.8 Another of the measures to be implemented to reduce health inequalities is to improve equity of access to services. In relation to cancer services for example, the Report of the Working Group on NAPS and Health recommends that regional access for women to breast cancer treatment services be improved by expediting the implementation of the recommendations of the Report on Symptomatic Breast Cancer Services.

Issues of particular relevance to women

12.9 Breast Cancer

BreastCheck, the National Breast Screening Programme commenced in March 2000 with phase one of the Programme covering the Eastern Regional Health Authority, Midland Health Board and North Eastern Health Board areas. Screening is being offered free of charge to all women in those areas in the target age group 50 to 64 years of age. The target population consists of approximately 136,000 women and it represents about 50% of the national target population. To end October 2002, 106,199 women had been called for screening and 75,668 women have been screened, representing an uptake of 75%.

The decision to proceed on a phased basis is a reflection of the complexities involved in the screening process and it is essential that the programme is driven by international quality assurance criteria and best practice. The Board of BreastCheck has submitted a Business Plan to the Department of Health and Children for the national expansion of the programme. The Department is in discussions with the Executive of BreastCheck in relation to the expansion of the programme and especially the linkages with the existing symptomatic services.

The Report of the Sub-Group of the National Cancer Forum "Development of Services for Symptomatic Breast Disease" was published in March 2000 and contains recommendations for the establishment of a network of Specialist Breast Units throughout the country, and the appropriate infrastructure, personnel and equipment which is needed for such specialist units. The Report also recommends that women with breast disease are best served by a team of specialists working together and that women experience better outcomes if their cancer is managed in centres developed along the lines of the Sub-Group Report. The Department of Health and Children and the Health Boards have had extensive consultation in relation to the best way forward for the development of these services. Funding was provided in 2001 and 2002 for the continuing development of Symptomatic Breast Disease Services, including the appointment of additional consultant surgeon posts with a special interest in breast surgery. Additional money will be provided in 2003 to ensure adherence to quality standards as set out in the Report.

12.10 Cervical Cancer

Phase One of the National Cervical Screening Programme is operational in the Mid-Western Health Board since October, 2000. Under the programme, women in the 25-60 age group are being screened at 5 yearly intervals free of charge. The new Health Strategy provides a commitment to extend the programme to the rest of the country. It is a major undertaking with significant logistical and resource implications. Consideration is currently being given to the need to have an external review of Phase One in the context of examining the feasibility and implications of an extension of the programme. In addition, the Chief Executive Officers of the Health Boards are also considering appropriate governance structures for managing the national programme.

Table 12.1
Average Number of New Cases and Deaths for the Twenty Most Common Cancers: 1994-1998, Annual Average

	NEW CANCER CASES				CANCER DEATHS			
	Female		Male		Female		Male	
Cancer Site	Average	% of total	Average	% of total	Average	% of total	Average	% of total
All registered cancers	9,912	100.0	9,487	100.0	3,448	100.0	4,010	100.0
All malignant cancers	8,149	82.0	8,946	94.0	3,428	99.0	3,989	99.0
Non-melanoma skin	2,375	24.0	2,792	29.0	9	0.1	22	1.0
Breast	1,584	16.0	13	0.1	631	18.0	5	0.1
Lung	507	5.0	972	10.0	519	15.0	971	24.0
Prostate	0	0.0	1,150	12.0	0	0.0	513	13.0
Colon	511	5.0	572	6.0	323	9.0	370	9.0
Rectum and anus	237	2.0	410	4.0	87	3.0	145	4.0
Lymphoma	222	2.0	256	3.0	104	3.0	129	3.0
Stomach	174	2.0	295	3.0	156	5.0	234	6.0
Bladder	128	1.0	328	3.0	54	2.0	112	3.0
Melanoma skin	235	2.0	140	1.0	32	1.0	28	1.0
Leukaemia	145	1.0	199	2.0	89	3.0	121	3.0
Pancreas	163	2.0	160	2.0	174	5.0	182	5.0
Ovary	312	3.0	0	0.0	218	6.0	0	0.0
Oesophagus	116	1.0	173	2.0	115	3.0	187	5.0
Brain	103	1.0	144	2.0	94	3.0	119	3.0
Kidney	87	1.0	151	2.0	48	1.0	80	2.0
Corpus uteri	205	2.0	0	0.0	44	1.0	0	0.0
Cervix	177	2.0	0	0.0	75	2.0	0	0.0
Multiple myeloma	78	1.0	99	1.0	68	2.0	76	2.0
Larynx	18	0.1	90	1.0	11	0.0	44	1.0

Source: National Cancer Registry (Note: Statistics for 1999 will be available in mid-2003)

Table 12.2
Age-Standardised Incidence Rates per 100,000 Population for Ireland in 1994-1997* and Selected EU Countries in 1995 for all Cancers Excluding Non-Melanoma Skin Cancer**

Country	Incidence Rate	
	Male	Female
Austria	427.8	306.7
Denmark	386.0	395.2
Finland	386.4	294.4
France	438.2	274.5
Germany	424.6	300.5
Ireland *	**393.6**	**318.6**
Italy	449.0	331.1
Netherlands	444.7	331.3
Spain	427.6	279.3
Sweden	346.0	327.9
United Kingdom	329.1	300.0

* **Source:** National Cancer Registry Ireland
** **Source**: International Registry for Research on Cancer - European Network of Cancer Registries - Cancer in the European Union in 1995.

12.11 Family Planning

The area of reproductive health in Ireland has changed rapidly in recent years. The decline in the birth rate indicates the extent to which women are now controlling their own fertility.

Since the ICPD conference in Cairo (1994), a formal policy on family planning has been developed and implemented. The policy is based on the principle that all individuals should have the freedom to decide the number and spacing of their children.

Each health board (statutory regional health authority) is required to ensure that an equitable, accessible and comprehensive family planning service is available in its area. The principles underpinning the service are that services should be within easy reach and that a choice of service provider should be available.

Additional funding is being provided for the development of family planning and pregnancy counselling services. In 1999 additional funding was allocated to health boards with a request that they concentrate on measures aimed at reducing the number of unwanted pregnancies in the 15-34 age group, in which the greatest proportion of abortions occur (the abortions are those obtained by Irish women in the United Kingdom).

Family planning services are available free of charge from a general practitioner to holders of a means tested card for free general medical services.

Ireland continues to have a low rate of maternal mortality. The maternal mortality rate has declined from 31.06 per 100,000 live births in 1970 to 1.8 per 100,000 live births in 2001.

12.12 Abortion

In March 2002, a constitutional referendum on the issue of abortion was held. It was proposed to amend the Constitution so as to give constitutional protections to envisaged legislation which would have been called the Protection of Human Life in Pregnancy Act. This legislation was intended to ensure that a pregnant woman who was suffering from a life-threatening medical condition could receive whatever treatment she might need, even where this might put the survival of her unborn child at risk. The effect of the proposed Act would have been that a threat of suicide would no longer be a ground for legal abortion in the State.

The constitutional amendment proposed in the referendum was defeated. The legal situation therefore remains as it was before the referendum, i.e. that abortion is prohibited in Ireland except where it is established, as a matter of probability, that there is a real and substantial risk to the life, as distinct from the health, of the mother and that this real and substantial risk can be averted only by the termination of her pregnancy.

Any developments in this regard will be communicated in the Third Periodic Report of Ireland to the Human Rights Committee of the UN Covenant on Civil and Political Rights, which is due to be submitted to the UN in 2005.

In a separate development, in October 2001, a new State agency called the Crisis Pregnancy Agency was established. This agency will have the task, in consultation with Government and other statutory and non-statutory agencies, of drawing up a national strategy to address crisis pregnancy and overseeing its implementation. It will work with a wide range of organisations, not just in the health sector but also, for example, in the education, employment and housing fields.

12.13 Drug Abuse

12.13.1 In Ireland, Drug Education is delivered in schools through the Social, Personal and Health Education (SPHE) Curriculum. Both the Departments of Health and Children and Education and Science have responsibility for supporting the introduction and implementation of this curriculum area in schools. The National Health Promotion Strategy 2000-2005 and the 1998 Education Act set out the commitment of the Irish Government to SPHE within the context of the Health Promoting School.

The focus of SPHE is to enable students to develop a framework for responsible decision making for every aspect of their lives. This includes being able to say "no" to the misuse and abuse of different substances, including drugs, tobacco and alcohol; to have an awareness of the consequences of substance misuse and to make conscious and informed decisions about the use of drugs in their lives.

At present, SPHE is being mainstreamed in all our post-primary schools as a core element of the curriculum for Junior Cycle students. It is planned that it will be in the curriculum of all our post-primary schools by September 2003. Work on the prevention of substance misuse is supported in the context of SPHE, and training for teachers is provided by the Post-Primary SPHE Support Service. At post-primary level, the "On My Own Two Feet" substance misuse prevention programme has been integrated into the SPHE curriculum.

12.13.2 At Primary level the Primary Curriculum Support Programme has responsibility for training teachers in the SPHE curriculum. By September 2003 all primary schools will have time-tabled SPHE on the curriculum. Walk Tall is the substance abuse prevention programme which specifically addresses drug education.

12.13.3 Under the National Drugs Strategy, the Department of Education and Science, Health and Children and the Health Boards have developed Guidelines for Schools in developing substance use policies. This has already been circulated to all schools nationwide. These Guidelines highlight the importance of SPHE as the core preventative strategy for schools.

12.13.4 At community level "Drugs Questions Local Answers" and "Family Communication and Self Esteem" are training programmes available for local community leaders, community activists and parents to support the prevention of drug abuse by assisting participants in identifying and tackling any emerging family and community drug related issues.

12.13.5 Local Drugs Task Forces (LDTF) were set up in areas experiencing the worst levels of drug misuse. The aim of the LDTFs is to reduce the harm caused to individuals and society by drug misuse through a locally-based, co-ordinated effort involving the statutory, community and voluntary sectors. The LDTFs produced two rounds of action plans, bringing forward over 450 separate measures. The projects contained in the plans provide a range of supports for drug users and their families and many of these projects are specifically for women. A large number of these plans have been evaluated and mainstreamed into normal service delivery. A Young Peoples Facilities and Services Fund operates in the LDTF areas and in an additional 4 areas. This aims to divert young people who are in danger of becoming involved in drugs into sports and leisure pursuits.

12.13.6 A ***Young Peoples' Facilities and Services Fund*** was established with a commitment of €38.09 million from the Government over the period 1998-2000. The private sector will also contribute to the fund. The purpose of the fund was to develop youth facilities and support will be provided for a range of capital and non-capital projects in target areas where a drug problem exists or has the potential to develop.

12.13.7 HIV/AIDS and STI services are available to women/men in all clinics, with some of the larger clinics, having special clinic sessions for females. A Women's Health Project based in Dublin provides outreach services and a drop-in clinic to women involved in prostitution. The outreach team operates in the streets, massage parlours and also in the drop-in centre, offering advice on prevention of STIs and HIV and drug taking and, where appropriate, organises referral for treatment. Safer sex issues are addressed and condoms are distributed.

12.13.8 A National Drug Strategy was published in 2001. This strategy has as its overall strategic objective to significantly reduce the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research. There are specific objectives under these four pillars. One hundred actions are recommended to achieve these objectives. Since its publication, Government departments and other relevant agencies have been working on the implementation of these actions.

12.13.9 Much progress has been achieved in the area of drug misuse treatment in Ireland in the last number of years, including the expansion of drug treatment services in all health board areas and a substantial increase in the number of people receiving treatment for heroin use. Drug misuse services are available to women at all of the drug treatment locations operated by the health boards. Special attention is paid to pregnant drug misusers and 3 liaison midwives have been appointed in the Eastern Regional Health Authority area to link with the major maternity hospitals in order to provide additional support to pregnant drug misusers.

12.13.10 A rehabilitation project for women provides non-residential services to stable women drug users, who are on methadone maintenance programmes in the Eastern Region. The project aims to bridge the gap between stable drug use and mainstream and community based education and training programmes and employment.

(2) Notwithstanding the provisions of paragraph 1 of this Article, State Parties shall ensure women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

12.14 Measures to support the promotion of *"women's physical and mental well being through the continued development and implementation of relevant policies"* are being undertaken in the framework of the Health Promotion Strategy (2000-2005):

- a National Breastfeeding co-ordinator was appointed in 2001 to advise on the effectiveness of current policy actions in Ireland and on measures required to increase breast feeding rates in Ireland;

- the Baby Friendly Hospital Initiative (BFHI) continues to be supported through the Health Promotion Hospitals Network. Virtually all maternity hospitals/units have applied for membership of BFHI;

- the implementation of recommendations for a National Infant Feeding Policy will be facilitated;

- the role of folic acid supplementation and food fortification in the prevention of neural tube defects will be promoted;

The recommendations of the *Report of the Maternity and Infant Care Scheme Review Group* on the delivery of combined ante natal care are being implemented by Health Boards.

Routine ante-natal HIV testing was introduced in April 1999. It allows for early detection of HIV and treatment in pregnancy, leading to an improved outcome for both mother and baby. Uptake rates are currently being monitored and it is hoped to have a national uptake rate of at least 90%.

12.15 The Maternity and Infant Care Scheme

The Maternity and Infant Care Scheme provides an agreed programme of pre-natal and post-natal care, free of charge, to all expectant mothers who are ordinarily resident in Ireland. Women, who chose to avail of services under the Scheme, are under the care of both a general practitioner and the maternity unit/hospital of their choice. Care can be obtained from any general practitioner who has a contract with the health board for the provision of services under the Scheme. The Report of the Maternity and Infant Care Scheme Review Group has stated that this system of combined care, i.e. where the expectant mother is under the care of both her general practitioner and hospital obstetrician is the best and most convenient form of ante-natal for the majority of mothers.

In the recent Health Strategy, "Quality and Fairness - a Health System for You", a commitment has been made for the Scheme to be extended to include four additional free GP visits for infants in the first year of life to cover general childhood illnesses. At present, the time frame and the funding required for implementing this initiative remain under consideration.

12.16 New Commission on Assisted Human Reproduction

The area of assisted human reproduction raises complex issues with associated legal, ethical, medical and social issues. While medical practice is governed by guidelines issued by the Medical Council, there is no legislation governing this area in Ireland. Following a Government decision on the matter, the Commission on Assisted Human Reproduction was established in March 2000 with the following terms of reference:

> "To prepare a report on the possible approaches to the regulation of all aspects of assisted human reproduction and the social, ethical and legal factors to be taken into account in determining public debate before the finalisation of any policy proposals."

Among the areas that the Commission will be examining are those of regulation of donor programmes, surrogacy, legal parentage, succession rights, freezing and subsequent use or disposal of embryos, sperm or ova and that of those who may use the services, e.g. the age and marital status of couples.

Given the complexity of the issues to be examined, it is not possible to be definitive about the length of time it will take the Commission to complete its work. The Commission's report will provide the basis for informed public debate before the finalisation of any policy proposals.

The following tables detail Life Expectancy rates at selected ages for Ireland and other EU countries.

Table 12.3
Life Expectancy at selected ages for the period 1950-1997

	1950-52	1960-62	1970-72	1980-82	1990-92	1995-97
Male:						
Life expectancy at age 0	64.5	68.1	68.8	70.1	72.3	73.0
1	66.9	69.3	69.2	69.9	71.9	72.5
10	58.8	60.8	60.6	61.3	63.1	63.6
20	49.3	51.1	51.0	51.6	53.4	53.9
30	40.3	41.7	41.5	42.1	43.9	44.5
40	31.3	32.4	32.1	32.6	34.4	35.1
50	22.8	23.5	23.3	23.6	25.2	25.8
60	15.4	15.8	15.6	15.9	17.0	17.5
65	12.1	12.6	12.4	12.6	13.4	13.8
70	9.2	9.7	9.7	9.7	10.4	10.6
75	6.8	7.1	7.3	7.3	7.8	8.0
Female:						
Life expectancy at age 0	67.1	71.9	73.5	75.6	77.9	78.5
1	68.8	72.9	73.8	75.4	77.4	78.0
10	60.6	64.1	65.1	66.6	68.6	69.1
20	51.2	54.3	55.3	56.8	58.7	59.3
30	42.2	44.7	45.6	47.0	48.9	49.5
40	33.3	35.3	36.0	37.3	39.2	39.8
50	24.7	26.3	27.0	28.0	29.8	30.3
60	16.8	18.1	18.7	19.5	21.1	21.5
65	13.3	14.4	15.0	15.7	17.1	17.4
70	10.2	11.0	11.5	12.2	13.5	13.7
75	7.6	8.1	8.5	9.1	10.2	10.4

Source: Central Statistics Office
Definition: Life expectancy refers to the number of additional years a person of a given age can expect to live.

Table 12.4
Life Expectancy at selected ages for EU Countries

Country	Period	Sex	Life expectancy in years at ages				Excess of female life expectancy over male expectancy at age 0
			0	1	45	65	
Austria	2000	M	75.6	75.0	32.9	16.4	5.9
		F	81.5	80.8	37.8	19.9	
Belgium*	1995	M	73.6	73.1	31.2	14.9	7
		F	80.6	79.9	37.1	19.4	
Denmark	1998	M	74.2	73.5	31.3	15.0	5
		F	79.2	78.6	35.6	18.4	
Finland	1999	M	73.9	73.1	31.3	15.3	7.4
		F	81.3	80.6	37.6	19.6	
France*	1998	M	75.0	74.4	32.6	16.6	7.7
		F	82.7	82.1	39.2	21.2	
Germany	1999	M	74.9	74.3	32.0	15.7	6.1
		F	81.0	80.4	37.3	19.5	
Greece	1998	M	75.8	75.3	33.3	16.7	5
		F	80.8	80.3	37.3	19.0	
Ireland	**1998**	**M**	**73.5**	**73.0**	**31.0**	**14.3**	**5.7**
		F	**79.2**	**78.5**	**35.5**	**17.9**	
Italy	1998	M	75.9	75.3	33.0	16.1	6.3
		F	82.2	81.7	38.5	20.4	
Luxembourg	2000	M	75.0	74.3	32.4	15.8	6.9
		F	81.9	79.8	38.2	20.6	
Netherlands	1999	M	75.4	74.9	32.2	15.3	5.2
		F	80.6	80.0	37.0	19.3	
Portugal	1999	M	71.9	71.4	30.5	14.4	7.2
		F	79.1	78.5	35.8	17.9	
Spain	1998	M	75.2	74.5	32.7	16.2	7.1
		F	82.3	81.7	38.7	20.3	
Sweden	1998	M	77.0	76.3	33.6	16.4	5.2
		F	82.2	81.4	38.3	20.3	
United Kingdom*	1999	M	75.1	74.6	32.2	15.4	4.9
		F	80.0	79.4	36.4	18.7	
EU Average*	**1998**	**M**	**75.0**	**74.4**	**32.3**	**15.8**	**6.3**
		F	**81.3**	**80.7**	**37.7**	**19.8**	

Source: Health Statistics 2002, Department of Health and Children.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to family benefits;

(b) the right to bank loans, mortgages and other forms of financial credit;

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

13.1 Ireland retains the following reservation in relation to Article 13(a):

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men.

The primary reason for maintaining the reservation to Article 13(a) is the fact that in the area of family benefits, entitlement to Child Benefit is normally vested in the mother.

13.2 Also, under the transitional arrangements relating to the One-Parent Family Scheme, some women, who were in receipt of other payments prior to its introduction, will continue to receive more favourable treatment until they exhaust their entitlement. These arrangements were designed to ensure that the position of these women was protected and maintained and that the introduction of the new scheme would not result in hardship for those who would not qualify under the conditions applying to the new scheme. The alternative would have been to disentitle people already depending on welfare payments and this would not have been acceptable or desirable. As these transitional arrangements are set to continue for the foreseeable future the reservation in relation to such treatment must also be retained.

13.3 The Government is committed to ensuring the broadest possible contributory pension cover to as many categories as possible, and recognises that people who leave the workforce to undertake family responsibilities in the home may lose out in maintaining their social insurance record. The Homemakers Scheme, introduced in 1994, is intended to protect the social insurance pension of those who take time out of the paid workforce for caring reasons. The scheme is being reviewed as part of the overall review of the qualifying conditions for the Old Age Contributory and Retirement Pensions. Also, the qualifying conditions for Old Age Contributory Pension have been eased considerably and this has benefited many, particularly women, with reduced/interrupted insurance records.

13.4 The Pensions Board has considered the question of adequate coverage for women under private and occupational pension policies. The Board considered that among the advantages of personal retirement savings accounts (PRSAs) was the benefit their introduction would have for women with broken employment records due to childcare and other responsibilities. The ***Pensions (Amendment) Act, 2002*** provides the legislative framework for this. It is expected that PRSAs will become available in 2003.

13.5 The Family Law Bill is currently being prepared. Its purpose is to enable married persons, who wish to separate by deed of separation, to make agreements regarding pension rights without having to incur litigation expenses. While the proposal applies equally to women and men, it is expected to be of particular benefit to women.

Table 12.4
Life Expectancy at selected ages for EU Countries

Country	Period	Sex	Life expectancy in years at ages				Excess of female life expectancy over male expectancy at age 0
			0	1	45	65	
Austria	2000	M	75.6	75.0	32.9	16.4	5.9
		F	81.5	80.8	37.8	19.9	
Belgium*	1995	M	73.6	73.1	31.2	14.9	7
		F	80.6	79.9	37.1	19.4	
Denmark	1998	M	74.2	73.5	31.3	15.0	5
		F	79.2	78.6	35.6	18.4	
Finland	1999	M	73.9	73.1	31.3	15.3	7.4
		F	81.3	80.6	37.6	19.6	
France*	1998	M	75.0	74.4	32.6	16.6	7.7
		F	82.7	82.1	39.2	21.2	
Germany	1999	M	74.9	74.3	32.0	15.7	6.1
		F	81.0	80.4	37.3	19.5	
Greece	1998	M	75.8	75.3	33.3	16.7	5
		F	80.8	80.3	37.3	19.0	
Ireland	**1998**	**M**	**73.5**	**73.0**	**31.0**	**14.3**	**5.7**
		F	**79.2**	**78.5**	**35.5**	**17.9**	
Italy	1998	M	75.9	75.3	33.0	16.1	6.3
		F	82.2	81.7	38.5	20.4	
Luxembourg	2000	M	75.0	74.3	32.4	15.8	6.9
		F	81.9	79.8	38.2	20.6	
Netherlands	1999	M	75.4	74.9	32.2	15.3	5.2
		F	80.6	80.0	37.0	19.3	
Portugal	1999	M	71.9	71.4	30.5	14.4	7.2
		F	79.1	78.5	35.8	17.9	
Spain	1998	M	75.2	74.5	32.7	16.2	7.1
		F	82.3	81.7	38.7	20.3	
Sweden	1998	M	77.0	76.3	33.6	16.4	5.2
		F	82.2	81.4	38.3	20.3	
United Kingdom*	1999	M	75.1	74.6	32.2	15.4	4.9
		F	80.0	79.4	36.4	18.7	
EU Average*	**1998**	**M**	**75.0**	**74.4**	**32.3**	**15.8**	**6.3**
		F	**81.3**	**80.7**	**37.7**	**19.8**	

Source: Health Statistics 2002, Department of Health and Children.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to family benefits;

(b) the right to bank loans, mortgages and other forms of financial credit;

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

13.1 Ireland retains the following reservation in relation to Article 13(a):

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men.

The primary reason for maintaining the reservation to Article 13(a) is the fact that in the area of family benefits, entitlement to Child Benefit is normally vested in the mother.

13.2 Also, under the transitional arrangements relating to the One-Parent Family Scheme, some women, who were in receipt of other payments prior to its introduction, will continue to receive more favourable treatment until they exhaust their entitlement. These arrangements were designed to ensure that the position of these women was protected and maintained and that the introduction of the new scheme would not result in hardship for those who would not qualify under the conditions applying to the new scheme. The alternative would have been to disentitle people already depending on welfare payments and this would not have been acceptable or desirable. As these transitional arrangements are set to continue for the foreseeable future the reservation in relation to such treatment must also be retained.

13.3 The Government is committed to ensuring the broadest possible contributory pension cover to as many categories as possible, and recognises that people who leave the workforce to undertake family responsibilities in the home may lose out in maintaining their social insurance record. The Homemakers Scheme, introduced in 1994, is intended to protect the social insurance pension of those who take time out of the paid workforce for caring reasons. The scheme is being reviewed as part of the overall review of the qualifying conditions for the Old Age Contributory and Retirement Pensions. Also, the qualifying conditions for Old Age Contributory Pension have been eased considerably and this has benefited many, particularly women, with reduced/interrupted insurance records.

13.4 The Pensions Board has considered the question of adequate coverage for women under private and occupational pension policies. The Board considered that among the advantages of personal retirement savings accounts (PRSAs) was the benefit their introduction would have for women with broken employment records due to childcare and other responsibilities. The ***Pensions (Amendment) Act, 2002*** provides the legislative framework for this. It is expected that PRSAs will become available in 2003.

13.5 The Family Law Bill is currently being prepared. Its purpose is to enable married persons, who wish to separate by deed of separation, to make agreements regarding pension rights without having to incur litigation expenses. While the proposal applies equally to women and men, it is expected to be of particular benefit to women.

13.6 The Social Welfare Act, 2000 introduced a new Carer's Benefit Scheme which provides for the payment of Carer's Benefit to persons who comply with the specific requirements laid down in the Act. An employee may qualify for Carer's Leave even if he/she does not qualify for Carer's Benefit. Similarly, an employee may qualify for Carer's Benefit but not Carer's Leave.[3]

13.7 Child Benefit

There have been significant increases in the rates of Child Benefit in recent years. Taking 2001 and 2002 together, a 46.4% increase has been provided in respect of the first two children and a 44 % increase for other children.

Tables 13.1 and 13.2 provide details of social welfare payments.

13.8 Financial Credit

When acceding to this Convention there was no specific legislation on the Irish Statute book expressly regulating the obligations of private individuals to accord equality in the areas covered by Article 13(b) and (c). For this reason, Ireland lodged the following reservation in the matter:

The question of supplementing the guarantee of equality contained in the Irish Constitution with special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.

Following the enactment of the Equal Status Act 2000 which prohibits discrimination on nine grounds namely gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community in relation to the provision of goods and services, Ireland is now in a position to withdraw its reservation to Article 13(b) and (c). The necessary protocol arrangements are being made to enable this reservation to be removed.

13.9 Sports and Cultural life

13.9.1 Recommendations were made by the Second Commission on the Status of Women relating to the media. RTÉ (the national broadcasting authority) has appointed its first woman at divisional head level as the Director of Radio, and a number of other senior positions have recently been filled by women. A joint subcommittee dealing with matters of equality has been set up under the RTÉ Participation Forum. RTÉ has a policy actively to increase both its coverage of women's sport and the number of women involved in the production and presentation of sports programming.

13.9.2 The ***Independent Radio and Television Commission*** (IRTC) regularly monitors the presence of women in job types, including management and technical jobs. The IRTC's Community Radio Policy Document, published in 1997, sets out the Commission's requirements in respect of gender balance in the ownership and management structure of community radio stations.

13.9.3 Codes prepared under ***the Broadcasting Act, 1990*** provide, inter alia, that television advertising shall not include any discrimination on grounds of sex. The Advertising Standards Authority for Ireland (ASAI) completed a review of the Code of Advertising Standards in 1995 and, in updating the Code, has given effect to the Commission's recommendations regarding sexism, taste and decency in advertising.

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[3] Where an employee is not entitled to Carer's Benefit, they may be entitled to Carer's Allowance subject to a means test - *Carer's Benefit - Department of Social and Family Affairs Leaflet, SW49.*

13.9.4 Implementation of the Government's policy on sport is the responsibility of the Department of Arts, Sport and Tourism, which it discharges with the assistance of the Irish Sports Council. The Irish Sports Council was established on a statutory basis with effect from 1 July 1999 to encourage the participation in sport by males and females through the promotion, development and co-ordination of competitive sport and by developing strategies to increase participation in recreational sport.

13.9.5 It is Government policy to avoid bias between the sexes in the promotion of sport. Grants under the Sports Capital Programme grants are allocated only to sports organisations that can show evidence (as set out in the rules of the organisation etc.) that they do not discriminate on the basis of gender, religion or ethnic origin. Since 1991, Government funds for the promotion of sport are not allocated to private clubs that deprive women of the right to apply for full membership.

13.9.6 In recent years, there has been a significant increase in the participation of women in sport at competitive and leisure levels and also an improvement of the perception of women's sport activities in comparison with male sport activities.

13.9.7 The membership of the Irish Sports Council is prescribed under the Irish Sports Council Act, 1999. The council consists of a chairperson and ten ordinary members - of the members of the Council no fewer than three shall be men and not fewer than three shall be women. The current membership of the Council complies with the requirements of the Act.

13.9.8 In response to the Commission's recommendations relating to the ***Arts Council,*** that body has stated that the only criterion for the recognition of excellence in the arts that can applied, is the excellence of the work in question.

Table 13.1

One-Parent Family Payment *1996-2001, Recipient Numbers		
Type of Benefit	**1996**	**2001**
LPA (Unmarried parent)	37,506	58,755
Dependent children	51,664	92,593
LPA (Separated spouse)	11,268	17,031
Dependent children	25,887	27,902
LPA (Widowed)	1,685	1,250
Dependent children	3,384	2,340
LPA (Prisoners spouse)	98	105
Dependent children	252	212
Total Female Recipients	**49,127**	**74,827**
Total Male Recipients	**1,430**	**2,314**
Total Recipients	**50,557**	**77,141**
Total Children	**81,187**	**123,047**

*** Previously known as Lone Parents Allowance**

Table 13.2

Disability and Maternity		
	1996	**2001**
Persons in receipt of Disability Benefit at beginning of January	42,460	46,940
Male	18,782	17,767
Female	23,678	29,173
Particulars of Families, Children and Cost of Child Benefit* (at end December)		
Families	497,252	514,919
Children	1,060,496	1,014,340
Cost of Child Benefit (m)	376	760
Deserted Wives' Benefit		
(a) Deserted Wives	14,738	12,177
(b) Dependent children of wives	21,874	10,566
Total (a) + (b)	**36,612**	**22,746**

*** Previously known as Children's Allowance**

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) to participate in the elaboration and implementation of development planning at all levels;

(b) to have access to adequate health care facilities, including information, counselling and services in family planning;

(c) to benefit directly from social security programmes;

(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) to organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) to participate in all community activities;

(g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

14.1 In Ireland, according to the 1996 Census of Population, the aggregate urban (defined as towns and cities with a population of 1,500 or more persons) population was 58.1% with 41.9% living outside urban areas.

According to the 1996 Census, there were 1,407,883 women aged fifteen years or over living in Ireland and, of these, more than half a million (552,736) were living in rural areas i.e. nearly 40% of all women aged 15 years and over. Men outnumber women in all groups up to age 75 in rural areas; after age 75, women outnumber men. The main demographic indicators for urban and rural areas are shown in Tables 14.1 and 14.2.

Table 14.1
Demographic indicators for females aged 15 years and over in urban and rural areas, 1996

	Urban	Rural	State
Females per 1,000 males	903	1061	965
% Single	41.3	31.4	37.4
% Married	44.8	54.0	48.4
% Separated	4.7	2.2	3.7
% Widowed	9.2	12.4	10.5
% 65 years +	12.0	14.4	13.0

Source: Census of Population, 1996

Table 14.2
Estimated Population of aggregate town area and aggregate rural area by sex and marital status, 2001

	Urban				Rural			
	Male		Female		Male		Female	
	Under 65	Over 65	Under 65	Over 65	Under 65	Over 65	Under 65	Over 65
Single	580,937	14,290	559,728	27,393	430,325	27,023	342,038	15,548
Ever Married (excl. widowed)	347,829	55,674	379,407	43,591	254,229	53,094	273,999	36,792
Widowed	5,836	14,423	19,454	59,639	3,824	12,958	14,599	53,667
Total	934,602	84,177	958,589	130,623	688,378	93,075	630,636	106,007

Source: Central Statistics Office, Population and Migration Estimates

14.2 The number of women in the Labour Force who classified themselves as having an agricultural, forestry and fishing occupation in 1996 was 12,969 or 2.3% of the female labour force, compared to 2.7% in 1993.

14.3 The Irish farm sector is dominated by owner operators. Farming is statistically an overwhelming male occupation. The Census of Population in 1991 recorded farmers as being 91% male while in 2000 the corresponding figure was 89 %.

14.4 Farm women in practice make a significant contribution to running the farm but their work is to a certain extent invisible because they are not classified as actual "farmers" as, by and large, they are not landowners.

14.5 The Department of Agriculture and Food recognises the farmer's wife as joint manager of the farm, regardless of ownership, for the purposes of the Early Retirement Scheme. To encourage sharing of land title between spouses the Department of Agriculture and Food recommended the following actions:

- No schemes should impose criteria which make the jointly owned farms less likely to qualify for grant assistance than similar owned by one party.

- Training is seen as a critical area where initiatives to improve the role of farm women of this generation and the next generation can be promoted most effectively.

- Examining all criteria for schemes to eliminate unintended bias against joint ownership of holdings.

14.6 These actions have been implemented in the following way:

- The rules of the Early Retirement Scheme (ERS 2) 2000, as amended, afford the same treatment to applicants who are in joint ownership of lands as those who are in sole ownership

- See Paragraph 14.16 regarding training by Teagasc

- From a policy perspective, the Department of Agriculture and Food's schemes and programmes do not present an obstacle to the formation of single farm business partnerships or joint ownership as long as the partnership is not set up for purposes of circumventing EU regulations or obtaining aid contrary to the purpose for which the aid was intended. Some of the schemes (premia, arable aid, on-farm investment grants) require applicants to have herds registered in joint names.

14.7 Advisory Committee on the Role of Women In Agriculture

14.7.1 The Government in the "Action Programme for the Millennium" made a commitment "to recognise the role of women in agriculture by setting up a special Advisory Committee to advise on, and monitor progress, with policy initiatives to support women in agriculture.

This was also given expression in the White Paper on Rural Development which stated "The establishment of a special advisory committee to examine, advise on and identify responses to the particular problems experienced by women in agriculture and to address specific training requirements".

14.7.2 The Committee was established in 1999 with the following terms of reference:

- To advise the Minister for Agriculture, Food and Rural Development on policies to promote the role of women in agriculture with particular attention to education and training (including IT usage); under representation at political and organisational levels; social inclusion and personal finance, economics and legal issues

- To have an input into rural development strategies and policies

- To submit a report by mid-2000.

14.7.3 Composition of the Advisory Committee

The Advisory Committees' membership was drawn from a wide range of sectors including Government Departments and other statutory Agencies, farming and women's organisations and other Social Partners.

14.7.4 Report of the Advisory Committee

The Report of the Advisory Committee on the Role of Women in Agriculture. published in September 2000, contains thirty-six recommendations, covering a broad area which includes education and training, information technology and social inclusion. The Report was circulated to all relevant Government Departments and Agencies to examine implementation.

14.7.5 National Plan for Women

Recommendations in the Report of the Advisory Committee on the Role of Women in Agriculture have been incorporated as a Government Commitment into Ireland's Report to the United Nations on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action. *(Refers to Para 6.21 in Nat. Plan).*

14.8 Social Insurance

The Department of Agriculture and Food co-ordinated an interdepartmental Group who examined the matter of social insurance coverage for farm spouses. This group reported in February 2002 and possible options to resolve the issue have been notified to farming organisations. One option which is immediately available to farm households is the formation of a partnership which will allow both spouses the benefits of social insurance coverage. Further information is available in the Department's information booklet "*Family Employments and PRSI*".

14.9 Network of Women in Farming

The Advisory Committee on the Role of Women in Agriculture recommended that the Department of Agriculture and Food enter into discussions with Macra na Feirme, an organisation concerned with the personal, social and vocational development of the rural community, with a view to establishing a network of women in farming. The network would support and fund the socio-economic and political development of women farmers. Consultation meetings took place during 2001 and 2002 and the process is now complete. An output report is being prepared and will be submitted to the Departments of Agriculture and Food and Community, Rural and Gaeltacht Affairs in 2003. This will form the basis for effecting funds under the LEADER programme for the new network.

14.10 Further Information

In accordance with the new Programme for Government, the recommendations in the Report of the Advisory Committee on the Role of Women in Agriculture will continue to be pursued.

The total farm labour force in 2000 was as follows:

Table 14.3
Total Farm Labour Force - 2000 data

	Number of Persons	Total AWU*	Average AWU per person	% with Other Gainful Activity
Farm holders	141,300	105,800	0.75	44
Holders' spouses	45,100	25,200	0.56	52
Other family members	57,200	25,000	0.44	66
Total family members	243,600	155,900	0.64	51
Regular non-family workers	14,400	8,000	0.56	N/A
TOTAL	257,900	163,900	0.64	48

* Annual Work Unit - 1 annual work unit = 1,800 hours or more of labour input per person per annum.

Table 14.4
Persons working on farm holdings, 2000

	Women	AWU*	Men	AWU*
Holders	15,100	8,800	126,200	96,900
Spouses	40,800	22,600	4,300	2,600
Other family workers	12,300	4,000	44,900	21,000
Non-family	2,100	1,200	12,300	6,800
TOTAL	70,300	36,600	187,700	127,300

* Annual Work Unit - 1 annual work unit = 1,800 hours or more of labour input per person per annum.
Source: Central Statistics Office

Table 14.5
Family farms classified by gender

Year	1997	2000
Males	134,500	126,200
Females	13,100	15,100
TOTAL	**147,600**	**141,300**

Source: CSO

2(a) the right to participate in the elaboration and implementation of development planning at all levels.

14.11 Under EU Structural Funds Regulations, as part of National Development Plan (NDP) policies, there is a commitment to gender balance on all NDP monitoring committees including the Rural Development co-ordinating Committee under the NDP.

14.12 In the area of the Area Based Rural Development Initiative (LEADER) under the auspices of the newly formed Department of Community, Rural and Gaeltacht Affairs, there is a special emphasis on women and youth. In this regard, LEADER Groups are advised to take account of equality of opportunity in assessing applications for aid and are directed not to grant aid a project whose promoter operates (or is considered likely to operate after the project is completed) a policy of discrimination. Groups are required to target 40% female board representation and at least 30% by mid-term 2003. In addition, all targets and indicators in relation to the programmes must be segregated by gender and age. The composition of some boards is not yet finalised. However, the latest available figure for the level of female board representation is 27%.

14.13 In the area of land use, planning and development control there is no distinction between women and men or urban and rural. The Local Authority (Planning and Development) Acts provide for public participation in the formulation of policy and objectives of local development plans.

2(b) to have access to adequate health care facilities, including information, counselling and services in family planning.

14.14 See commentary under Article 12.

2(c) to benefit directly from social security programmes.

14.15 See commentary under Article 13(a).

2(d) the right to obtain all types of training and education, formal and non-formal, including that relating to functional literacy as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.

14.16 Agriculture and Food Development Authority (Teagasc)

14.16.1 Annually, 5,000 adults attend short training courses organised by Teagasc ranging in duration from 20 hours to 150 hours and approximately 30% of the participants are women. In recent years, each Chief Agricultural Officer met with women's interest groups in the county for the purpose of providing the type of training which met their expressed needs.

14.16.2 During the past three years, some 400 computer training courses were attended by 5,000 rural dwellers and 60% of these were women. Beginners courses and advanced courses were run in every county.

14.16.3 Courses are also held in areas such as rural tourism, cottage food production, poultry production and floristry and, in the case of these courses, the participants are almost all women.

14.16.4 A Vocational Certificate in Agriculture course (FETAC, Level 3) specifically designed to meet the needs of rural women is currently being piloted in Co Laois and is being attended by 36 women farmers.

14.16.5 In third level and vocational certificate courses run for young people interested in careers in the agri-food sector, 7% of participants are women. All secondary schools, including all girls schools, are contacted annually by the local education officer for the purpose of giving a career guidance talk to students. As part of this talk female students are assured that they are welcome and catered for at these courses.

14.17 In relation to other Teagasc activities, policy is to invite farmers and their spouse/partner to all Teagasc events. The new Opportunities For Farm Families Programme, which was introduced in 2001, is a major initiative to help farm families whose viability is at risk. This programme specifically targets both partners on family farms along with the likely successor and women are playing an active part in the programme. Some 3,500 families will participate in this programme this year.

Table 14.6
Teagasc Training Programmes for Farmers

Young Entrant Training Programme	% women participating
- Agriculture	7
- Horticulture	33
- Specialised Courses	Horse Course - 35
- Farm Apprenticeship	9
Adult Farmer Programme	**30**

14.18 Training is also provided in rural areas under the LEADER 11 programme. LEADER is the EU initiative which enables groups in rural areas to implement their own multi sectored business plans for the development of their own areas. In the area of training and education, of the private individuals who undertook training funded by LEADER, the latest available statistics indicate that some 60% were women.

14.19 Women represented 34% of undergraduate students entering Agricultural Science and Forestry degree level courses in 2000-2001 (72 out of 209 students).

See also commentary under Article 10.

2(e) the right to organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment.

2(f) the right to participate in all community activities.

14.20 In 2000, the Department of Justice Equality and Law Reform gave grants totalling €56,820.79 to the ICA including 45 regional groups spread throughout the country for consultation purposes on Ireland's Report to the United Nations on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action.

14.21 The ***Irish Countrywomen's Association*** is a democratic and inclusive organisation, representing 20,000 women in 1,000 guilds throughout Ireland. For 90 years the Association has been at the forefront in seeking change to improve the standard of living and opportunities for women, their families and the wider community. The ICA has been consistent in its twin roles - a place where women work together to develop their skills and interests, and at the same time where they gather and voice their experience and knowledge to influence the wider agenda and policy making.

The Irish Country Women's Association are being funded under the Equality for Women Measure of the National Development Plan to develop a project designed to enhance the ability of women members to participate in decision making bodies. The project was awarded funding of approximately €316,000 over a three year period commencing in 2002. A total of 15 candidates have been selected to participate in Leadership and Decision making courses.

14.22 As part of the County/City Development Board process, Community and Voluntary Fora were established in each county and city to enable the community to have their say in the work of the Boards and for consultative purposes with local State Agencies generally. The Fora are open to all community groups and there is a dedicated cluster focusing on social inclusion. In general, women have significant representation on the Fora.

14.23 An IFA (Irish Farmer's Association) project is being funded under the Equality for Women Measure of the National Development Plan. The project is entitled "IFA initiative on Equality for Women in Agriculture" This project was awarded funding of approximately €249,000 over a three-year period. The project commenced in October 2001. The aim of the project is to increase the role of women in agriculture in decision making directly within the IFA's own structure and operations, and indirectly within the wider agricultural economy and the wider rural society.

The initial phase of the project involves consultation with internal and external farm women. In 2002, a series of open fora was held at seven locations. A report containing the output from these discussions will be produced and will be used to inform the IFA leadership. In

addition, a database of farm women has been established to create a pool of potential nominees for suitable positions on State Boards. The goal of the project is to raise the profile within the IFA of issues relevant to farm women including health, childcare, education and training and access to public services.

2(g) the right to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

14.24 Access by women generally to credit is dealt with under Article 13 (b).

2(h) the right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

14.25 Successive ***Environmental Protection Agency*** reports have highlighted the fundamentally good quality of public drinking water supplies. Substantial investment will continue to be made to improve where necessary the quality of supplies and to extend public water supply to areas that have an inadequate supply.

14.26 Almost €4.57 billion is being provided for environmental investment, including water supply, waste water treatment, rural water supply, waste management, coastal protection and environmental research, in the ***National Development Plan, 2000-2006.*****(NDP)**

14.27 The inclusion of housing in the **NDP** for the first time reflects the Government's commitment to addressing the infrastructure deficit in the size of the national housing stock in relation to the growing requirements of a growing and changing population. A key housing priority of the NDP is to increase social housing output in accordance with increased needs. The provision of social and affordable housing has increased by some 35% between 1998 and 2001. The increase in social housing provision should ensure that the housing needs of a greater number of women and lone parents are met through their higher prioritisation on local authority schemes of letting priorities.

14.28 Housing objectives are fully reflected in public transport planning and investment under the NDP.

14.29 The significant investment in economic and social infrastructure over the period of the NDP will have considerable benefits for both men and women. Recent analysis indicates that proportionately more women than men use public transport to travel to work. On this basis the increased investment in public transport should have a positive impact on women. Similarly, investing in improved accessibility of public transport for the mobility impaired will be of benefit to people, including women, travelling with young children on public transport.

ARTICLE 15

1. ***States Parties shall accord to women equality with men before the law.***

2. ***States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.***

3. ***States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.***

4. ***States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.***

15.1 Under Irish law the parties of either sex to a contract are entitled to regulate their affairs as they wish, subject to the law on duress. The following reservation to paragraph 3 of this Article was entered when Ireland acceded to the Convention:

With regard to paragraph 3 of this Article, Ireland reserves the right not to supplement the existing provisions in Irish law which accord women a legal capacity identical to that of men with further legislation governing the validity of any contract or other private instrument freely entered into by a woman.

This reservation was adopted because, in 1983 the Attorney General had advised that existing Irish legislation contains no such provision and parties to a contract are entitled to regulate their affairs inter se in the manner prescribed by this Article should they so wish. Legislation would therefore be required to give effect to this provision.

A precise explanation of the purpose of the provision in Article 15.3 was sought from the UN and a legal opinion was furnished by the ***UN Office of Legal Affairs***.

The opinion of the Office of Legal Affairs was that paragraph 3 of Article 15 would appear to be meant only as voiding contracts which would have the effect of restricting the legal capacity of women in a different manner from men. The Office of Legal Affairs expressed the opinion that existing Irish Law would not appear to allow for such a limiting effect to occur in a different manner for men and women.

In the light of the interpretation supplied by the UN, Ireland withdrew its reservation to paragraph 3 of Article 15 on 13 March 2000.

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) the same right to enter into marriage;

(b) the same right freely to chose a spouse and to enter into marriage only with their free and full consent;

(c) the same rights and responsibilities during marriage and at its dissolution ;

(d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) the same personal rights as husband and wife, including the right to choose a family name, a profession or occupation;

(h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

1(a) The same right to enter marriage

16.1 Another unspecified personal right which is latent in Article 40 of the Constitution is the right to marry. (Ryan v Attorney General, 1965 Irish Reports 294) This right is also implied by Article 41.3.1° which specifically commits the State to guarding

> *with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.*

The Constitutional Review Group, while favouring an express pledge by the State to protect marriage, did not favour the retention of the words "upon which the family is founded" in Article 41.3.1. It was felt that these words have led to an exclusively marriage based definition of the family, which no longer accords fully with the social structure in Ireland. It proposed a revised Article 41 to include, inter alia, the following elements:

- a right for all persons to marry in accordance with the requirements of the law, and to found a family;
- a pledge by the State to protect the family based on marriage in its Constitution and authority;
- a guarantee to all individuals of respect for their family life, whether based on marriage or not.

1(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.

1(c) the same rights and responsibilities during marriage and at its dissolution.

16.2 The Family Mediation Service (FMS) is a free, professional confidential service which enables couples, who have decided to separate, to reach agreement on all issues related to their separation. It assists couples to address the issues on which they need to make decisions including: post separation living arrangements; finances; and parenting arrangements to enable children to have an ongoing relationship with each parent. The Family Mediation Service will become part of the new Family Support Agency on its establishment.

The Family Law Bill is currently being prepared. Its purpose is to enable married persons, who wish to separate by deed of separation, to make agreements regarding pension rights without having to incur litigation expenses. While the proposal applies equally to women and men, it is expected to be of particular benefit to women

1(d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

1(f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

16.3 Article 42.5 of the Constitution recognises the

natural and imprescriptible rights of the child.

On acceding to this Convention, Ireland entered the following reservation in relation to Article 16.1 (d) and (f):

Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody of children born out of wedlock and reserves the right to implement the Convention subject to that understanding.

16.4 Section 4 of the Children Act, 1997 amended the Guardianship of Infants Act, 1964 to enable a father, who has not married the child's mother, to be appointed guardian of the child by agreement with the mother. All that is required is for the parties to make a joint statutory declaration stating their arrangements regarding custody and access to the child. The only way the father may be removed from that appointment is by order of the court.

16.5 Arising from a finding by the European Court of Human Rights, Ireland is now obliged to give natural fathers to whom children are born in the context of "family life", as interpreted by the European Court of Human Rights, a legal opportunity to establish a relationship with that child (Keegan v Ireland (1994) 18EHRR 342).

16.6 Legislation was enacted in 1998, the Adoption Act 1998, which requires the consultation of natural fathers in relation to adoption applications and giving natural fathers a right to a hearing on the adoption application. The need for this legislation arose from a ruling by the European Court of Human Rights in a case brought against the Irish Government by the father of a child born outside marriage, who was adopted against the father's wishes (Keegan v Ireland(1994)).

1(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

16.7 See Commentary under Article 12.

1(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

16.8 Nothing new to report

1(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

16.9 An attempt was made in 1993 to enact legislation designed to give both spouses equal rights of ownership in the matrimonial home and household effects (the Matrimonial Home Bill, 1993). However, the Bill did not become law as the Supreme Court found it to be repugnant to the provisions of Article 41 of the Constitution which concern the family.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

16.10 Nothing new to report.

DOMESTIC VIOLENCE

Commentary follows on legislative and other measures taken to protect women from violence in the home, as requested by the Committee on the Elimination of Discrimination Against Women in General Recommendation 12 and having regard to Paragraph 20 of the Concluding Comments of the Committee on the Elimination of Discrimination Against Women on its examination in 1999 of Ireland's Combined Second and Third Reports under the Convention of the Elimination of Discrimination Against Women.

Strategy to prevent and eliminate violence against women

As part of the Government's response to the issue of violence against women a ***National Steering Committee on Violence Against Women***, chaired by the Minister of State at the Department of Justice, Equality and Law Reform was established in December 1997. This implemented a recommendation of the report of the ***Task Force on Violence Against Women***, published in May 1997.

In addition to the establishment of the National Steering Committee on Violence Against Women, the Government's strategy to prevent and eliminate violence against women involves:

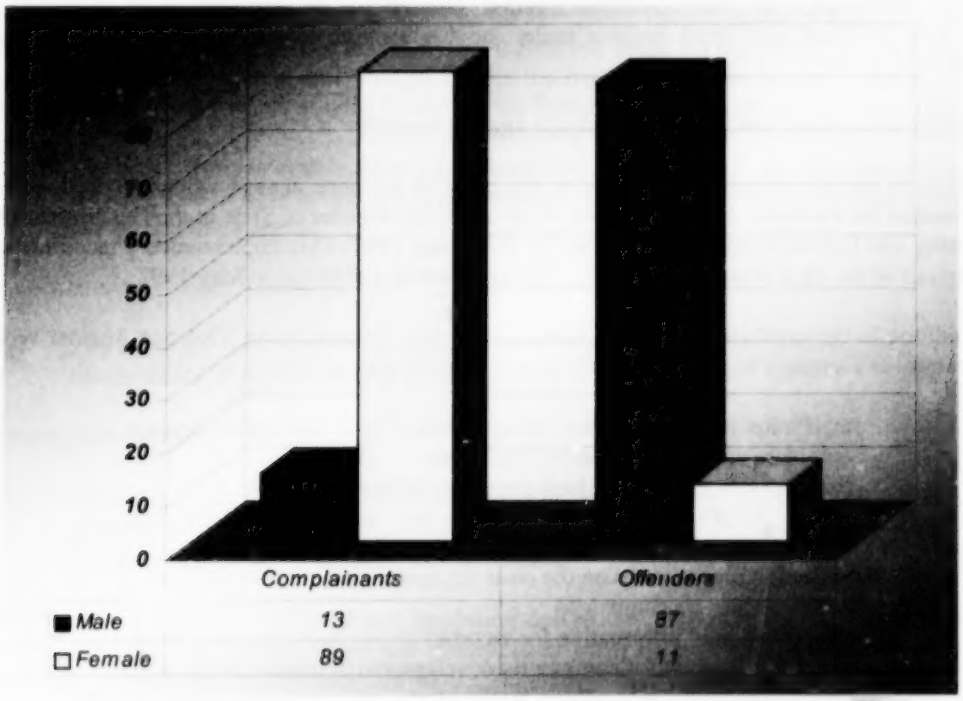
- legislation in relation to the various forms of violence against women
- enforcement of the legislative provisions
- care services for victims, both physical and psychological
- the provision of refuge accommodation for victims and their children
- establishing programmes for perpetrators
- education programmes on the issue for senior-cycle school children
- public awareness campaigns
- the provision of information for victims
- providing funding for community development in relation to the issue
- sponsoring research in relation to the issue

In relation to legislation, Ireland has enacted strong legislation to deal with domestic violence, rape and sexual assault and most other forms of violence against women. This legislation clearly defines acts of violence against women, such as domestic violence, rape, sexual assault, stalking/harassment and other forms of violence against women, as criminal acts.

Enforcement of the legislation is a matter for An Garda Siochána (our police force). The Gardaí have a written policy on domestic violence intervention. This policy document commits the Gardaí to a proactive policy in relation to protection through law enforcement. Similarly, the Gardaí deal with reported incidents of rape and sexual assault as serious crimes. The Garda authorities have established a National Domestic Violence and Sexual Assault Investigation Unit within the National Bureau of Criminal Investigation. This Unit provides a nucleus of expertise and skill on a national basis in the investigation of Domestic Violence and Sexual Crimes. All Gardaí receive training on the investigation of cases of domestic violence, rape and sexual assault.

The Annual Report of An Garda Síochána 2001, records that there were 9,983 domestic violence incidents recorded in 2001 which represents a decrease of 8% when compared with the corresponding figure for the previous year. Considerable annual change was recorded across the regions and, in keeping with previous years, the volume of incidents differed from region to region.

The chart below shows the gender percentage of domestic violence complainants and offenders in 2001. Although the offenders were predominantly male some 11% of offenders were female which is the same as in 2000. Complainants were predominantly female. Male complainants accounted for 13% of the total and this was a decrease over the previous year when they accounted for 16% of the total.



Domestic Violence Statistics 2001

	Incidents	Arrests	Persons charged	Persons injured	Persons cautioned
EASTERN REGION	728	164	143	240	133
Carlow/Kildare	137	30	20	60	15
Laois/Offaly	218	38	57	62	51
Longford/Westmeath	94	30	14	35	22
Louth/Meath	279	66	52	83	45
DUBLIN MET. REGION	7,042	1,035	972	249	745
Eastern	419	84	79	10	45
North Central	1,291	112	110	61	54
Northern	993	134	113	40	79
South Central	1,008	101	79	23	64
Southern	1,941	162	157	56	124
Western	1,390	442	434	59	379
NORTHERN REGION	247	134	107	166	31
Cavan/Monaghan	72	62	62	50	2
Donegal	124	65	38	94	22
Sligo/Leitrim	51	7	7	22	7
SOUTH EASTERN REGION	396	117	105	147	46
Tipperary	73	31	36	25	26
Waterford/Kilkenny	167	56	50	59	16
Wexford/Wicklow	156	30	19	63	4
SOUTHERN REGION	1,129	287	232	242	149
Cork City	716	175	141	113	63
Cork North	113	24	19	37	13
Cork West	92	23	11	27	4
Kerry	97	15	11	25	41
Limerick	111	50	50	40	28
WESTERN REGION	441	153	224	103	182
Clare	70	50	50	10	33
Galway West	222	74	153	45	128
Mayo	83	21	15	25	9
Roscommon/Galway East	66	8	6	23	12
TOTAL	**9,983**	**1,890**	**1,783**	**1,147**	**1,286**

Five Government Departments have responsibility in relation to the issue of violence against women.

- The Department of Health & Children provides health and social services to victims of violence, through the relevant Health Boards, and also provides funding for work undertaken by Non-Governmental Organisations in supporting victims

- The Department of Environment and Local Government provides funding for the provision of emergency accommodation for victims of domestic violence

- The Department of Education and Science has established an education programme dealing with the issue of violence as part of the Social, Personal and Health Education programme, for children in the senior-cycle

- The Department of Community, Rural and Gaeltacht Affairs provides funding for community development programmes and grant-aid local groups dealing with the issues involved

- The Department of Justice, Equality and Law Reform is responsible for any necessary legislative provisions in relation to the various forms of violence against women and for dealing with perpetrators through the criminal justice system and the establishment of programmes aimed at the prevention of future perpetration by offenders. The Department also conducts research, and awareness raising campaigns, in relation to the various forms of violence against women.

The Department of Justice, Equality and Law Reform is providing funding for a Domestic Violence Intervention Pilot Project. This measure arises out of research undertaken into the development of an intervention model for victims of domestic violence. The outcome of this pilot project will inform future measures in relation to domestic violence.

In relation to research, the National Crime Council are in the process of conducting research in relation to domestic violence, which is the main source of violence against women in Ireland. This research will inform future responses in relation to this type of violence.

Background to National Steering Committee on Violence against Women

The Steering Committee is representative of a wide range of interests concerned with violence against women and its remit is to provide, inter alia, a multi-disciplinary and cohesive response to this issue. The Committee has a number of objectives which include, ensuring that regional and local structures are established, developing public awareness campaigns, co-ordinating and advising on the distribution of funding, co-ordinating and advising on ongoing development of policies including those concerning perpetrators, criminal justice intervention, services and supports. The Committee is addressing a very important and essential task on behalf of the women of Ireland.

Regional Committees on Violence against Women have also been established in each of the ten health board regions. They draw together the statutory and non-statutory services available to women in each of these regions in order to provide, at the local level, a sympathetic and consolidated approach to the treatment of victims of violence. These committees are involved in the assessment of existing services in their respective regions and the drawing up of local strategies and implementation plans.

The Judiciary

In Ireland, the system of recruitment to all levels of the judiciary is based on the concept of bringing in experienced and trained legal practitioners and, consequently, judges, on appointment, have a wide knowledge of the law and its application.

The Courts and Courts Officers Act, 1995 enables the Minister to provide funds for judicial training courses arranged by the judiciary and, in 2002, he made €300,000 available to the Judicial Studies Institute, which was established by the Chief Justice for the purposes of judicial training. Section 36 of the Courts (Supplemental Provisions) Act, 1961 makes provision for meetings of District Court Judges for the purpose of discussing matters relating to the discharge of the business of that Court. While there is no similar provision in the case of other Courts, it is understood that they hold similar meetings.

There is a strict doctrine of separation of powers between the executive and judiciary as enshrined in the Irish Constitution.

In keeping with this doctrine, the legal position, as set out in the Courts and Court Officers Act, 1995, provides that the Chief Justice or the Presidents of the various courts are responsible for deciding what courses of training judges should attend. The Minister for Justice, Equality and Law Reform may, and does, make funding available for judicial training. Following the passing of the Act, the then Chief Justice established the Judicial Studies Institute.

While the Department of Justice, Equality and Law Reform is aware that the Judicial Studies Institute organises courses in the Family Law/Domestic Violence areas and facilitates judges in attending courses/conferences on such topics abroad, the matter of organising such courses or a judge's participation in same is strictly a matter for the Judicial Studies Institute itself and one in which the Minister for Justice, Equality and Law Reform or the Government has no function.

The Minister or the Department may pass on details of training courses to the Judicial Studies Institute for information purposes. However, the Minister/Department is not in a position to "encourage" participation by judges on such courses.

Care and Support services for women experiencing violence

Support services e.g. refuges and rape crisis centres, are predominantly provided by the non-statutory sector; these are funded through the local health boards by the Department of Health and Children, in relation to health and personal social services, and through the local authorities by the Department of the Environment and Local Government in relation to emergency accommodation. Since the Report of the Task Force in 1997, funding from the Department of Health and Children to these services has increased three-fold.

The objective of rape crisis centres is to provide a crisis centre for victims of rape and sexual abuse by providing immediate support where possible to the victims through telephone contact and "one to one" counselling, advice and information. The centres also liaise with the health boards, police, doctors and other agencies, who may also be in a position to help the victims. The centres are also involved in long term therapy for adult victims of child sexual abuse, training of professionals and educational programmes on all aspects of sexual abuse. The services provided are all vital components of an overall programme in meeting the needs of victims of rape. There are eighteen Rape Crisis Centres currently operating in Ireland.

Within its common law system, Ireland is actively pursuing a policy of giving victims a central place in the criminal justice environment.

The aspect of general respect and recognition for crime victims is best reflected in the second Charter for Victims of Crime which was published by the Department of Justice, Equality and Law Reform in 1999. The Charter was produced following extensive consultations with all relevant agencies including the Courts, Garda Siochána (police), the Prison Service, the Probation and Welfare Service, the State Prosecution Service and the Victim Support organisation.

The Charter, entitled "**Victims' Charter and Guide to the Criminal Justice System**" sets out, from the victim's perspective:

- a general description of the overall criminal justice system
- a concise summary of the role and functions of each of the main bodies/agencies involved
- the entitlements of the victim in terms of standards of treatment, rights and complaints procedures in each area.

The Charter makes specific provision for particularly vulnerable victims such as victims of sexual offences, domestic violence, elderly victims, victims with disabilities, and children. Examples include:

Sexual offences

- the Gardai (police) will "show special sensitivity in relation to sexual offences" and examples of that special provision are outlined
- in court there are legal restrictions on reporting cases such as rape and sexual assault, impact on the victim will be taken into account in sentencing, and the victim may give evidence about the effect of the crime if they so wish.

Domestic violence

- A victim of domestic violence will have the same Garda support services as victims of sexual violence and serious crime. A pro-arrest policy reflects Garda operational practice in protecting the victim and her/his family
- Chapter 8 of the Charter outlines the provisions of the Domestic Violence Act 1996, which inter alia, deals with Barring Orders, Protection Orders, and gives the Gardai wider powers of arrest in domestic violence cases.

Emergency accommodation services to Women

There is considerable practical co-operation between local authorities and health boards in providing emergency accommodation for people whose needs are acute and immediate, including women and children affected by violence.

The Voluntary Housing Capital Assistance Scheme assists voluntary bodies with non-repayable capital funding to provide accommodation (generally one or two bed units) to meet special housing needs such as those of the elderly, people with disabilities, homeless persons or smaller families. This funding has been availed of in the provision of accommodation for women experiencing violence.

In relation to the provision of transitional housing, the Voluntary Housing Rental Subsidy Scheme is available and has been used by voluntary groups developing transitional housing. Under this scheme, voluntary housing bodies are assisted with loan finance and subsidies from local authorities to provide housing for renting, particularly to meet the needs of low income families.

In addition to the increases in the allowance to voluntary bodies for management and maintenance under the scheme, local authorities may, where this type of accommodation relieves homelessness on a short term or interim basis, make a contribution towards the running costs under Section 10 of the Housing Act, 1988.

Women who have to leave the family home or who cannot reasonably be expected to remain there because of violence and who cannot afford to provide housing for themselves are regarded by local authorities as homeless and can apply for local authority housing. Local authorities allocate tenancies, subject to availability, in accordance with their scheme of letting priorities. Priorities are established by each authority in accordance with need. In practice, homeless women and children are given a high priority. Sonas, a voluntary organisation, has developed a housing partnership with three refuges around the country. It also provides supported housing for women

and children out of home due to domestic violence. Twenty-nine units have already been supplied in the Dublin area.

Refuges in Ireland, as elsewhere, provide a safe place offering help and support for women and children who have been victims of domestic violence. The philosophy underlying the development of refugees is the provision of a mutually supportive and caring environment that empowers women to make informed independent choices. The underlying approach to refuge work is based on an understanding that any woman suffering violence has the right to enter a refuge and be treated as a person with dignity, her rights respected and her stated needs met.

To date there are fifteen refuges and thirteen support services in place being run by member organisations of the National Network of Women's Refuges and Support Services.

Awareness campaigns

The National Steering Committee has undertaken a number of public awareness campaigns aimed at generating a wider public debate on the issue of violence against women.

The first national campaign, entitled "Going Forward", informed victims that they are not alone and that there is help available, and informed perpetrators that violence against women is a crime and must stop.

A campaign aimed at providing victims with information about where help was available took place in 1999. It involved the production of information leaflets "Important Information for Women", which were adapted for eight different geographical regions in Ireland. The leaflets, which included information on the services available in each of the regions for women experiencing violence or the threat of violence, were widely distributed. These information leaflets were reprinted in 2000 due to demand.

An emblem to be worn to show support for women experiencing violence in their relationships was launched in 2000. The emblems were distributed for sale (at cost) through a large national supermarket chain and almost 30,000 were sold nation-wide. The campaign attracted significant media coverage.

A Directory of Services for women experiencing violence or the threat of violence was launched in 2000. The Directory is a comprehensive document which lists all services available to women experiencing violence. Over 5,000 copies were distributed to doctors, Accident & Emergency staff, citizen information centres, libraries, police and service providers.

Having evaluated the Recommendations of recent research into attrition rates in rape and sexual assault cases the National Steering Committee is in the process of developing an awareness campaign around the issue of rape and sexual assault. The awareness campaigns are aimed at prevention of incidents of rape and sexual assault as well as providing information for victims of such assaults.

The first stage of this awareness campaign was launched in September 2002 and consisted of the production of posters highlighting the dangers of drug assisted rape and/or robbery. Posters have been distributed to pubs, night clubs and third-level colleges nation-wide for display. The second stage of the campaign involves the development of an information pack for victims of sexual violence and is due to be launched early in 2003.

Educational initiative

The Department of Education and Science has developed a social and personal health education programme for use in post-primary schools. The programme deals with the issue of violence against women. The Department has also developed a programme, specifically for boys in the Transition Year of the senior-cycle, entitled Exploring Masculinities, which deals with a range of issues of violence, including violence against women.

Investigating crimes of violence against women

The Gardaí have established a Domestic Violence and Sexual Assault Investigation Unit within the National Bureau of Criminal Investigation. This Unit provides a nucleus of expertise and skill on a national basis in the investigation of Domestic Violence and Sexual Crimes. The Unit also provides ongoing liaison with Government and non-Government Organisations and promotes best practise in the investigation of Domestic Violence and Sexual Crimes.

The Gardaí have a written policy on Domestic Violence Intervention. An Assistant Commissioner has been assigned specific responsibility for monitoring action in relation to violence against women.

The Gardaí are represented at Inspector level on each of the Regional Committees on Violence Against Women and this will enhance ongoing contact with the service providers at local level.

Training for Gardaí

All Gardaí receive training on the investigation of cases of domestic violence, rape and sexual assault. This training is provided by experienced Garda personnel, assisted by other professionals, such as psychologists, doctors, social workers and also experts from the various non-governmental organisations. There are core programmes on violence at the Garda In-Service Training Schools. Lectures, with an input from non-governmental organisations, as appropriate, are given on:

- Causes and effects of crimes of violence on women and children
- Domestic Violence/Child Abuse
- Forensic evidence in crimes of violence against women and children
- Interviewing victims of crimes of violence against women and children
- Child Abuse
- Relevant Legislation.

Local Gardaí have also developed excellent working relationships with the service providers and this facilitates interagency work.

An Garda Síochána have collaborated with a number of organisations on various research projects including the research undertaken by Women's Aid into the Domestic Violence Legislation.

Research

The National Steering Committee recently commissioned research into service needs. It is entitled *"**Analysis of current and future needs and responses to Women Who Have Experienced Violence or the Threat of Violence arising from Domestic Violence, Rape or Sexual Assault***". The work is due to be completed early in 2003.

The Department of Justice, Equality and Law Reform is providing funding for a Domestic Violence Intervention Pilot Project, arising from research undertaken into the development of an intervention model for victims of domestic violence.

The National Crime Council is currently conducting nationally based research into Domestic Violence.

The Garda Research Unit has undertaken research into rape statistics following an increase in the number of crimes reported to the Gardaí in this area while the figures for crime generally were on the decrease. The results of the research were published in early 1998. It was decided to extend the research and phase two is currently underway. The current research project will focus on the experiences of victims of rape who report to the Gardaí. It will also try to quantify the attrition rate at each stage from reporting a case to the case outcome and to suggest how the processing of cases might be improved with particular reference to Garda practice.

The publication of the findings of the "Legal Process and the Victims of Rape", a GROTIUS funded research project which was launched in 1998, was jointly carried out by the Dublin Rape Crisis Centre and the School of Law, Trinity College, Dublin. The research project reviewed the legal process and victims of rape in all fifteen EU Member States.

Research which was partly funded by the Department of Justice, Equality and Law Reform, into the operation of the Domestic Violence Act, 1996, was conducted by Women's Aid. The results were published in 1999.

The Department of Justice, Equality and Law Reform funded a research project into the reasons why there are high attrition rates in bringing prosecutions in rape cases. The Research was carried out by University College Cork and the Cork and Kerry Rape Crisis Centres and the findings were published in January 2001.

Legislation on Violence

The following Irish legislative enactments contain specific provision relating to victims:

- The Criminal Law (Rape) Acts, 1981 and 1990
- The Malicious Injuries Acts, 1981 and 1986
- The Criminal Damage Act, 1991
- The Criminal Evidence Act, 1992
- The Criminal Justice Acts, 1993 and 1999
- The Civil Legal Aid Act, 1995
- The Criminal Law (Incest Proceedings) Act, 1995
- The Domestic Violence Act, 1996
- The Children's Act, 2001

- The Sex Offenders Act, 2001, which allows for separate legal representation for victims of rape, in limited circumstances, and for the compiling for the register of sex offenders.

Probation and Welfare Service

In the preparation of pre-sentence reports for courts on perpetrators of violence, the Probation and Welfare Service carries out a thorough assessment which examines the pattern of offending and assesses the likelihood of re-offending. The Service liaises with the Gardaí in relation to the current offence and previous offences and takes into account the safety of the victim when preparing the reports.

If offenders, who come before the Courts and do not receive a custodial sentence but are placed on supervision by the Probation and Welfare Service and subsequently breach the conditions of their supervision, they will be returned to court as soon as possible. Offenders convicted of violent crimes and offenders who are known to have violent tendencies may be placed on group work programmes which incorporate an anger management module. In some cases these programmes are operated directly by the Probation and Welfare Service but offenders are also referred to projects run by non-governmental organisations if it is considered appropriate.

Support for women in legal proceedings

Hearings and provision of evidence

Section 5 of the Criminal Justice Act 1993 provides that in determining sentence for a sexual offence or an offence involving violence or threat of violence, a court:

- must take into account any effect of the crime on the victim
- must hear evidence from the victim if he/she so requests
- may receive evidence or submissions concerning any effect of the crime on the victim (this generally takes the form of a Victim Impact Statement as referenced in the Victims' Charter).

Questioning of victims

Under our common law system, the supervision of the questioning of witnesses is the prerogative of the judiciary who have duties both to the defendant and to the complainant. However, in the specific case of a rape offence, a complainant can be legally represented in the hearing of an application by the accused person to cross examine the complainant. This is an exception to the common law situation where victims are not considered to be parties to the proceedings and was introduced to reflect the special victim problems in these kinds of cases. These provisions are under sections 34 and 35 of the Sex Offenders Act 2001. Legal aid is also available to the complainant in these cases under the Civil Legal Aid Act 1995 - section 26 (3).

Right to Information

The Victims' Charter in its various sections provides for information to be made available to victims.

The Victims' Charter contains specific provisions in relation to keeping victims informed of the outcome of their complaints, the progress of any criminal proceedings, and the outcome of these proceedings. This responsibility is assigned to the Garda Siochána.

Notification of offender release and any necessary protective measures are provided for in the Victims' Charter.

In practice, in the course of the dialogue between the victim and the various services the victim has the right not to avail of the various flows of information. The forthcoming review of the Charter will more specifically highlight the issue of formally opting out of the information services. A system of prior request is needed for notification of prisoner releases.

Right to protection

Under the Victims' Charter, the Garda Siochána is charged with making whatever policing arrangements necessary to ensure the safety of victims in the event of release from custody of an offender.

The Criminal Law (Rape) Acts 1981 and 1990 and the Criminal Law (Incest Proceedings) Act 1995 provide for the exclusion of the public from court proceedings and the anonymity of complainants in situations where such measures are deemed necessary e.g., rape, aggravated sexual assault or incest. Legal restrictions are placed on reporting such cases.

The Courts Service are providing victim support waiting facilities as part of their building programme. Every effort is also being made to provide such facilities in existing buildings.

There are a number of provisions in Irish legislation which seek to protect victims from the effects of giving evidence in open court.

Part 3 of the Criminal Evidence Act 1992 provides for the giving of evidence by live television link in proceedings for sexual offences or the threat of violence to a person. Section 39 of the Criminal Justice Act 1999 provides that in any proceedings on indictment for an offence, a person other than the accused may, with the leave of the court, give evidence through a live television link.

The Victim Support organisation, an organisation to assist victims of crime, operates a court accompaniment scheme which provides support before, during and after the court process.

Perpetrator Programmes

It is open to members of the judiciary to make ancillary orders or to recommend that offenders take part in intervention programmes.

There are a number of programmes available to men who perpetrate violence against their spouse or partner. These programmes are based on voluntary participation and are run by voluntary organisations, funded by the Department of Justice, Equality and Law Reform. The Department has also provided funding for a voluntary organisation which aims to reduce male domestic violence in our society by way of a confidential telephone service which supports and challenges men to recognise their violent behaviour and to take responsibility for breaking the cycle of violence.

The Department of Justice, Equality and Law Reform has funded a community based programme for convicted adult sex offenders run by the Probation and Welfare Service and the Granada Institute in Dublin. This is a three-year pilot project.

The Department has also funded a community based programme for adolescent sex offenders run by the Probation and Welfare Service and the Southern Health Board in Cork. This is a three-year pilot project.

The Department has also funded a community based programme for adult sex offenders run by the Probation and Welfare Service and the North Western Health Board in Donegal. This is a three year pilot programme.

Arising from research into the development of an intervention model for victims of domestic violence, the Department of Justice, Equality and Law Reform has provided funding for the establishment of a Domestic Violence Intervention Pilot Project. The pilot project will be set up in one district court area in Dublin. The project, which was launched in May 2003, is an integrated approach to domestic violence, co-ordinating the work of the civil and criminal judicial systems, perpetrator programmes, women's support programmes and other key agencies, i.e. Probation & Welfare, Gardaí and locally based groups and agencies. The project will be evaluated at the end of the pilot phase by an independent expert appointed by the Department of Justice, Equality and Law Reform.

The Project is designed to offer protection to victims of Domestic Violence and sanctions/accountability to perpetrators and an opportunity for re-education. Support/sanctions are offered by the integration of the Project within the legal system. The project also tracks cases across the civil and criminal justice system and evaluates and monitors practice of same.

A sub-Committee of the National Steering Committee is looking at the core principles for perpetrator programmes with a view to achieving improvements in this regard.

Custody based sex offender treatment programmes

There are at present 29 full-time professionals and two consultants involved in rehabilitation programmes for sex offenders in prisons. All convicted sex offenders in custody, irrespective of the institution in which they are accommodated, are invited to apply to participate in the Sex Offender Treatment Programme in Arbour Hill Prison and the Curragh Place of Detention. Those who apply are considered by the Treatment Team but not all are found suitable for participation. All sex offenders are encouraged to avail of treatment, however, they cannot be compelled to attend, nor do they receive any extra concessions for attending. The Programmes can cater for up to ten offenders at any one time and takes approximately eleven months to complete.

The Department of Justice, Equality and Law Reform will monitor the effectiveness of the pilot projects for perpetrators of violence in conjunction with the Probation and Welfare Service.

A number of Thinking Skills Programmes to address the cognitive distortions of prisoners, especially those who commit crimes of violence, are run on a multi-disciplinary basis in a number of prisons. The Department of Justice, Equality and Law Reform, in conjunction with the Irish Prison Service, intends to extend these programmes to other prisons in the system.

The Department has also commissioned the Clinical Psychology Department at University College Dublin to conduct a detailed evaluation of the Group Treatment Programme at Arbour Hill. While this will take a number of years to complete, it should eventually provide empirical data that demonstrates the efficacy of treatment, as measured by reduced recidivism amongst treated offenders compared to an untreated group.

Probation and Welfare Officers, based in prisons, inform relevant Health Boards of the impending release from prison of sex offenders irrespective of whether the offence is against an adult or a child.

The Prison Service is extremely conscious of the plight of victims and the potentially devastating consequences of some offences. The Service acknowledges that for every offender there is a victim and that the prevention of re-victimisation is a priority.

The provisions of the Victim's Charter relating to notification of temporary release have been implemented by the Irish Prison Service. Notification only occurs, however, when requested by the victim and does not occur as a matter of course. There are many sound reasons for this as experience has shown that many victims of crime try to put the incident behind them and do not wish for such information as it could refresh the pain and hurt already caused by the crime.

If requested by the victim of a serious sexual or violent offence, the Prison Service will notify the Gardaí prior to the release of the perpetrator from prison either on temporary release or at the end of their sentence. In cases where the release is ordered by the Court, prior notification will not usually be possible. Requests for notification of releases are addressed to the Prisons Victim Liaison Officer.

The Annual Reports of An Garda Síochána record the following statistics for rape and sexual assault, by gender of victim:

Statistics for rape and sexual assault by Gender

Year: 2000

Sexual Offence	Male	Female	Total
Sexual Assault	141	408	549
Aggravated Sexual Assault	3	9	12
Sexual Assault involving Mentally Impaired Person	1	2	3
Gross Indecency	3	0	3
Buggery	23	0	23
Unlawful Carnal Knowledge	0	15	15
Rape Section 4	21	31	52
Rape of a Female	0	238	238
Incest	2	16	18

Year: 2001

Sexual Offence	Male	Female	Total
Sexual Assault	376	672	1,048
Aggravated Sexual Assault	2	16	18
Sexual Assault involving Mentally Impaired Person	1	9	10
Gross Indecency	33	0	33
Buggery	31	5	36
Unlawful Carnal Knowledge	0	78	78
Rape Section 4	31	35	66
Rape of a Female	0	335	335
Incest	0	16	16

The recently introduced crime recording system, PULSE, provides a more detailed analysis of sexual offences than that available in the past, in that a wider range of offence classifications is used to describe sexual offences. Since its introduction, it is possible to use separate headings for sexual offences involving mentally impaired persons, gross indecency and rape under section 4 of the Criminal Law (Rape) (Amendment) Act, 1990. The latter offence is a broader offence of rape that that used in previous legal definitions, and it may have a male or female victim.

In the year 2001, 71% of sexual assault victims were female, which compares with 79% for 2000. 29% of victims were male in 2001, as compared with 21% the previous year.

APPENDIX 1

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialised agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect of human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign

occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the principal realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect of the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-bring of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifty State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United National Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifty ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned; and

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depository of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, in any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

APPENDIX 2

TEXT OF REMAINING IRISH GOVERNMENT RESERVATIONS TO THE CONVENTION

Article 13(b) and (c)

The question of supplementing the guarantee of equality contained in the Irish Constitution with special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.

Articles 16, 1(d) and (f)

Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody of children born out of wedlock and reserves the right to implement the Convention subject to that understanding.

Articles 11(1) and 13(a)

Ireland reserves the right to regard the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act, 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of Articles 11, 1(b), (c) and (d).

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men.